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NORTH AMERICAN REVIEW.

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JULY, 1881.

PRESENT ASPECTS OF THE INDIAN PROBLEM.

THAT the history of our Indian relations presents, in great part, a record of broken treaties, of unjust wars, and of cruel spoliation, is a fact too well known to require proof or to suffer denial. But it is only just to the Government of the United States to say that its treaties with Indian tribes were, as a rule, made in good faith, and that most of our Indian wars were brought on by circumstances for which the Government itself could not fairly be held responsible. Of the treaties, those were the most important by which the Government guaranteed to Indian tribes certain tracts of land as reservations to be held and occupied by them forever under the protection of the United States, in the place of other lands ceded by the Indians. There is no reason to doubt that in most, if not all, of such cases, those who conducted Indian affairs on the part of the Government, not anticipating the rapid advance of settlement, sincerely believed in the possibility of maintaining those reservations intact for the Indians, and that, in this respect, while their intentions were honest, their foresight was at fault. There are men still living who spent their younger days near the borders of "Indian country" in Ohio and Indiana, and it is a well-known fact that, when the Indian Territory was established west of the Mississippi, it was generally thought that the settlements of white men would never crowd into that region, at least not for many generations. Thus were such reservations

guaranteed by the Government with the honest belief that the Indians would be secure in their possession, which, as subsequent events proved, was a gross error of judgment.

It is also a fact that most of the Indian wars grew, not from any desire of the Government to disturb the Indians in the territorial possessions guaranteed to them, but from the restless and unscrupulous greed of frontiersmen who pushed their settlements and ventures into the Indian country, provoked conflicts with the Indians, and then called for the protection of the Government against the resisting and retaliating Indians, thus involving it in the hostilities which they themselves had begun. It is true that in some instances Indian wars were precipitated by acts of rashness and violence on the part of military men without orders from the Government, while the popular impression that Indian outbreaks were generally caused by the villainy of Government agents, who defrauded and starved the Indians, is substantially unfounded. Such frauds and robberies have no doubt been frequently committed. It has also happened that Indian tribes were exposed to great suffering and actual starvation in consequence of the neglect of Congress to provide the funds necessary to fulfill treaty stipulations. But things of this kind resulted but seldom in actual hostilities. To such wrongs the Indians usually submitted with a more enduring patience than they receive credit for, although in some instances, it must be admitted, outrages were committed by Indians without provocation, which resulted in trouble on a large scale.

In mentioning these facts, it is not my purpose to hold the Government entirely guiltless of the wrongs inflicted upon the Indians. It has, undoubtedly, sometimes lacked in vigor when Indian tribes needed protection. It has, in many cases, yielded too readily to the pressure of those who wanted to possess themselves of Indian lands. Still less would I justify some high-handed proceedings on the part of the Government in moving peaceable Indian tribes from place to place without their consent, trying to rectify old blunders by new acts of injustice. But I desire to point out that by far the larger part of our Indian troubles have sprung from the greedy encroachments of white men upon Indian lands, and that, hostilities being brought about in this manner, in which the Indians uniformly succumbed, old treaties and arrangements were overthrown to be supplanted by new ones of a similar character which eventually led to the

same results. In the light of events, the policy of assigning to the Indian tribes large tracts of land as permanent reservations, within the limits of which they might continue to roam at pleasure, with the expectation that they would never be disturbed thereon, appears as a grand mistake, a natural, perhaps even an unavoidable mistake in times gone by, but a mistake for all that, for that policy failed to take into account the inevitable pressure of rapidly and irresistibly advancing settlement and enterprise. While duly admitting and confessing the injustice done, we must understand the real nature of the difficulty if we mean to solve it.

No intelligent man will to-day for a moment entertain the belief that there is still a nook or corner of this country that has the least agricultural or mineral value in it, beyond the reach of progressive civilization. Districts which seemed to be remote wildernesses but a few years ago have been or are now being penetrated by railroads: Montana, Washington Territory, Idaho, and New Mexico are now more easily accessible than Ohio and Indiana were at the beginning of this century, and the same process which resulted in crowding the Indians out of these States has begun and is rapidly going on in those Territories. The settler and miner are beginning, or at least threatening, to invade every Indian reservation that offers any attraction, and it is a well-known fact that the frontiersman almost always looks upon Indian lands as the most valuable in the neighborhood, simply because the Indian occupies them and the white man is excluded from them. From the articles in the newspapers of those remote Territories, it would sometimes appear as if, in the midst of millions of untouched acres, the white people were deprived of the necessary elbow-room as long as there is an Indian in the country. At any rate, the settlers and miners want to seize upon the most valuable tracts first, and they are always inclined to look for them among the lands of the Indians. The fact that wild Indians—and here it is proper to say that when in this discussion Indians are spoken of as "wild," and their habits of life as "savage," these terms are not used in their extreme sense, but as simply meaning "uncivilized," there being of course among them, in that respect, a difference of degrees—hold immense tracts of country which, possessed by them, are of no advantage to anybody, while, as is said, thousands upon thousands of white people stand ready to cultivate them and to make them contribute to the national wealth, is always apt

to make an impression upon minds not accustomed to nice discrimination. It is needless to say that the rights of the Indians are a matter of very small consideration in the eyes of those who covet their possessions. The average frontiersman looks upon the Indian simply as a nuisance that is in his way. There are certainly men among them of humane principles, but also many whom it would be difficult to convince that it is a crime to kill an Indian, or that to rob an Indian of his lands is not a meritorious act. This pressure grows in volume and intensity as the population increases, until finally, in some way or another, one Indian reservation after another falls into the hands of white settlers. Formerly, when this was accomplished, the Indians so dispossessed were removed to other vacant places farther westward. Now this expedient is no longer open. The western country is rapidly filling up. A steady stream of immigration is following the railroad lines and then spreading to the right and left. The vacant places still existing are either worthless or will soon be exposed to the same invasion. The plains are being occupied by cattle-raisers, the fertile valleys and bottom-lands by agriculturists, the mountains by miners. What is to become of the Indians?

In trying to solve this question, we have to keep in view the facts here recited. However we may deplore the injustice which these facts have brought, and are still bringing, upon the red men, yet with these facts we have to deal. They are undeniable. Sound statesmanship cannot disregard them. It is true that the Indian reservations now existing cover a great many millions of acres, containing very valuable tracts of agricultural, grazing, and mineral land; that the area now cultivated, or that can possibly be cultivated by the Indians, is comparatively very small; that by far the larger portion is lying waste. Is it not, in view of the history of more than two centuries, useless to speculate in our minds how these many millions of acres can be preserved in their present state for the Indians to roam upon?—how the greedy push of settlement and enterprise might be permanently checked for the protection of the red man's present possessions, as hunting-grounds upon which, moreover, there is now but very little left to hunt? We are sometimes told that ours is a powerful government, which might accomplish such things if it would only put forth its whole strength. Is this so? The Government is, indeed, strong in some respects, but weak in others. It may be truthfully

said that the Government has never been intent upon robbing the Indians. It has frequently tried, in good faith, to protect them against encroachment, and almost as frequently it has failed. It has simply yielded to the pressure exercised upon it by the people who were in immediate contact with the Indians. Those in authority were, in most cases, drawn or driven into an active participation in conflicts not of their own making. When a collision between Indians and whites had once occurred, no matter who was responsible for it, and when bloody deeds had been committed and an outcry about Indian atrocities risen up, our military forces were always found on the side of the white people and against the savage, no matter whether those who gave the orders knew that the savages were originally the victims and not the assailants. Imagine, now, the Government were to proclaim that, from the many millions of acres at present covered by Indian reservations, white men should forever be excluded, and that the national power should be exerted to that end, what would be the consequence? For some time the Government might succeed in enforcing such a resolution. How long, would depend upon the rapidity with which the western country is occupied by settlers. As the settlements crowd upon the reservations, the population thickens, and the demand for larger fields of agricultural and mining enterprise becomes more pressing, the Government may still remain true to its purpose. But will those who are hungry for the Indian lands sit still? It will be easy for the rough and reckless frontiersmen to pick quarrels with the Indians. The speculators, who have their eyes upon every opportunity for gain, will urge them on. The watchfulness of the Government will, in the long run, be unavailing to prevent collisions. The Indians will retaliate. Settlers' cabins will be burned and blood will flow. The conflict once brought on, the white man and the red man will stand against one another, and, in spite of all its good intentions and its sense of justice, the forces of the Government will find themselves engaged on the side of the white man. The Indians will be hunted down at whatever cost. It will simply be a repetition of the old story, and that old story will be eventually repeated whenever there is a large and valuable Indian reservation surrounded by white settlements. Unjust, disgraceful, as this may be, it is not only probable, but almost inevitable. The extension of our railroad system will only accelerate the catastrophe.

We are frequently told that the management of Indian affairs in Canada has been more successful than ours in avoiding such conflicts. This appears to be true. But, while giving credit to the Canadian authorities for the superiority of their management in some respects, we must not forget that they are working under conditions far less difficult. The number of their Indians is much less, and their unoccupied territory much larger. They have still what may be called an Indian frontier—the white men on one side of the line and the Indians on the other, with vast hunting-grounds visited only by the trapper and fur-trader. Their agricultural settlements advance with far less rapidity than ours. There is far less opportunity for encroachment. When in the British possessions agricultural and mining enterprise spreads with the same energy and eagerness as in the United States, when railroads penetrate their Indian country, when all that is valuable in it becomes thus accessible and tempting to the greed of white men, when game becomes scarce and ceases to furnish sufficient sustenance to the Indians, the Canadian authorities in their management of Indian affairs will find themselves confronted with the same difficulties.

What does, under such circumstances, wise and humane statesmanship demand? Not that we should close our eyes to existing facts; but that, keeping those facts clearly in view, we should discover among the possibilities that which is most just and best for the Indians. I am profoundly convinced that a stubborn maintenance of the system of large Indian reservations must eventually result in the destruction of the red men, however faithfully the Government may endeavor to protect their rights. It is only a question of time. My reasons for this belief I have given above. What we can and should do is, in general terms, to fit the Indians, as much as possible, for the habits and occupations of civilized life, by work and education; to individualize them in the possession and appreciation of property, by allotting to them lands in severalty, giving them a fee simple title individually to the parcels of land they cultivate, inalienable for a certain period, and to obtain their consent to a disposition of that part of their lands which they cannot use, for a fair compensation, in such a manner that they no longer stand in the way of the development of the country as an obstacle, but form part of it and are benefited by it.

The circumstances surrounding them place before the Indians this stern alternative: extermination or civilization. The thought of exterminating a race, once the only occupant of the soil upon which so many millions of our own people have grown prosperous and happy, must be revolting to every American who is not devoid of all sentiments of justice and humanity. To civilize them, which was once only a benevolent fancy, has now become an absolute necessity, if we mean to save them.

Can Indians be civilized? This question is answered in the negative only by those who do not want to civilize them. My experience in the management of Indian affairs, which enabled me to witness the progress made even among the wildest tribes, confirms me in the belief that it is not only possible but easy to introduce civilized habits and occupations among Indians, if only the proper means are employed. We are frequently told that Indians will not work. True, it is difficult to make them work as long as they can live upon hunting. But they will work when their living depends upon it, or when sufficient inducements are offered to them. Of this there is an abundance of proof. To be sure, as to Indian civilization, we must not expect too rapid progress or the attainment of too lofty a standard. We can certainly not transform them at once into great statesmen, or philosophers, or manufacturers, or merchants; but we can make them small farmers and herders. Some of them show even remarkable aptitude for mercantile pursuits on a small scale. I see no reason why the degree of civilization attained by the Indians in the States of New York, Indiana, Michigan, and some tribes in the Indian Territory, should not be attained in the course of time by all. I have no doubt that they can be sufficiently civilized to support themselves, to maintain relations of good neighborship with the people surrounding them, and altogether to cease being a disturbing element in society. The accomplishment of this end, however, will require much considerate care and wise guidance. That care and guidance is necessarily the task of the Government which, as to the Indians at least, must exercise paternal functions until they are sufficiently advanced to take care of themselves.

In this respect, some sincere philanthropists seem inclined to run into a serious error in insisting that first of all things it is necessary to give to the Indian the rights and privileges of American citizenship, to treat him in all respects as a citizen, and

to relieve him of all restraints to which other American citizens are not subject. I do not intend to go here into a disquisition on the legal status of the Indian, on which elaborate treatises have been written, and learned judicial decisions rendered, without raising it above dispute. The end to be reached is unquestionably the gradual absorption of the Indians in the great body of American citizenship. When that is accomplished, then, and only then, the legal status of the Indian will be clearly and finally fixed. But we should not indulge in the delusion that the problem can be solved by merely conferring upon them rights they do not yet appreciate, and duties they do not yet understand. Those who advocate this seem to think that the Indians are yearning for American citizenship, eager to take it if we will only give it to them. No mistake could be greater. An overwhelming majority of the Indians look at present upon American citizenship as a dangerous gift, and but few of the more civilized are willing to accept it when it is attainable. And those who are uncivilized would certainly not know what to do with it if they had it. The mere theoretical endowment of savages with rights which are beyond their understanding and appreciation will, therefore, help them little. They should certainly have that standing in the courts which is necessary for their protection. But full citizenship must be regarded as the terminal, not as the initial, point of their development. The first necessity, therefore, is not at once to give it to them, but to fit them for it. And to this end, nothing is more indispensable than the protecting and guiding care of the Government during the dangerous period of transition from savage to civilized life. When the wild Indian first turns his face from his old habits toward "the ways of the white man," his self-reliance is severely shaken. The picturesque and proud hunter and warrior of the plain or the forest gradually ceases to exist. In his new occupations, with his new aims and objects, he feels himself like a child in need of leading-strings. Not clearly knowing where he is to go, he may be led in the right direction, and he may also be led astray. He is apt to accept the vices as well as the virtues and accomplishments of civilization, and the former, perhaps, more readily than the latter. He is as accessible to bad as to good advice or example, and the class of people usually living in the immediate vicinity of Indian camps and reservations is frequently not such as to exercise upon him an elevating influence. He is in danger of becoming a

drunkard before he has learned to restrain his appetites, and of being tricked out of his property before he is able to appreciate its value. He is overcome by a feeling of helplessness, and he naturally looks to the "Great Father" to take him by the hand and guide him on. That guiding hand must necessarily be one of authority and power to command confidence and respect. It can be only that of the government which the Indian is accustomed to regard as a sort of omnipotence on earth. Everything depends upon the wisdom and justice of that guidance.

To fit the Indians for their ultimate absorption in the great body of American citizenship, three things are suggested by common sense as well as philanthropy.

1. That they be taught to work by making work profitable and attractive to them.

2. That they be educated, especially the youth of both sexes.

3. That they be individualized in the possession of property by settlement in severalty with a fee simple title, after which the lands they do not use may be disposed of for general settlement and enterprise without danger and with profit to the Indians.

This may seem a large programme, strangely in contrast with the old wild life of the Indians, but they are now more disposed than ever before to accept it. Even those of them who have so far been in a great measure living upon the chase, are becoming aware that the game is fast disappearing, and will no longer be sufficient to furnish them a sustenance. In a few years the buffalo will be exterminated, and smaller game is gradually growing scarce except in the more inaccessible mountain regions. The necessity of procuring food in some other way is thus before their eyes. The requests of Indians addressed to the Government for instruction in agriculture, for agricultural implements, and for stock cattle, are in consequence now more frequent and pressing than ever before. A more general desire for the education of their children springs from the same source, and many express a wish for the allotment of farm tracts among them, with "the white man's paper," meaning a good, strong title like that held by white men. This progressive movement is, of course, different in degree with different tribes, but it is going on more or less everywhere. The failure of Sitting Bull's attempt to maintain himself and a large number of followers on our northern frontier in the old wild ways of Indian life

will undoubtedly strengthen the tendency among the wild Indians of the North-west to recognize the situation and to act accordingly. The general state of feeling among the red men is therefore now exceedingly favorable to the civilizing process.

Much has already been done in the direction above indicated. The area of land cultivated by Indians is steadily extended, and the quantity and value of their crops show a hopeful increase from year to year. Many Indians are already showing commendable pride in the product of their labor. Much more, however, might be done by the Government to facilitate and encourage this progress, by making larger appropriations for the appointment of men competent to instruct the Indians in agricultural work, and for furnishing them with farming implements. Unfortunately, members of Congress are frequently more intent upon making a good record in cutting down expenses in the wrong place, than upon providing the necessary money for objects the accomplishment of which would finally result in real and great economy. It may be remarked, by the way, that the promotion of agricultural work among the Indians is frequently discouraged by well-meaning men who reason upon the theory that in the transition from savage to civilized life, the pastoral state comes before the agricultural, and that the Indians, therefore, must be made herders before they can be made farmers. This theory is supported by historical precedents. It is true that the transition from the savage state to the pastoral is less violent than that from the savage state directly to the agricultural, but this does not prove that the latter is impossible. Moreover, the former requires certain favorable conditions, one of which is not only the possession of large tracts of grazing land but also of large numbers of cattle; and another is, that the transition, which would necessarily require a considerable time, be not interfered with by extraneous circumstances. There are only a few isolated instances of Indian tribes having devoted themselves successfully to the raising of herds and flocks, such as the Navajoes, who have hundreds of thousands of sheep, and manufacture excellent blankets by hand. Some thrifty Indians on the Pacific coast have raised small herds of cattle, and something more has been done by the so-called civilized tribes in the Indian Territory. The rest of the Indians have only raised ponies. To make all our wild Indians herders, would require the maintenance of the system of large reservations which, as I have shown, will be

a precarious thing under the pressure of advancing settlement and enterprise. It would further require the distribution among them of large numbers of stock animals. Such distributions have been gradually increased, but even among the tribes best provided for, only to the extent of giving to each family one or two cows, and I see no prospect, with the resources likely to be at the disposal of the Indian service, of carrying this practice much farther than to make it more general among all the tribes. But the possession of a cow or two will not make a man a herder. And even if the number were increased, and the cattle belonging to the members of a tribe were herded together for the purpose of regular cattle-raising, that pursuit would require the constant labor of only a small number of individuals, while, under existing circumstances, it is most desirable, if not absolutely necessary, that all of them, or at least as many as possible, be actively and profitably employed, so as to accelerate the civilizing process. To this end it seems indispensable that agricultural work be their principal occupation. But we need not be troubled by any misgivings on this head. The reports of early explorers show that most of our Indian tribes, without having passed through the pastoral state, did cultivate the soil in a rough way and on a small scale when first seen by white men, and that subsequently they continued that pursuit to a greater or less extent, even while they were driven from place to place. The promotion of agricultural work among them will therefore only be a revival and development of an old practice. The progress they now make shows how naturally they take to it. And if the Government, as it should, continues to furnish them with domestic animals, cattle-raising in a small way may become, not their principal business, but a proper and valuable addition to their agricultural work. I have no doubt, however, that young Indians may be profitably employed by the cattle-raisers of the West, as mounted herdsmen or "cow-boys." If paid reasonable wages, they would probably be found very faithful and efficient in that capacity.

Other useful occupations for which the Indians show great aptitude have been introduced with promising success. They are now doing a very large part of the freighting of Government goods, such as their own supplies and annuities. "Indian freighting," on a large scale, was introduced only a very few years ago, at almost all the agencies, especially on this side of the Rocky Mountains, which are not immediately accessible by railroad or

river. The Indians use their own ponies as draught animals, while the Government furnishes the wagons and harness. The Indians have, by this industry, already earned large sums of money, and proved the most honest and efficient freighters the Government ever had. There is no reason why, in the course of time, they should not be largely engaged by the Government, as well as private parties, in the transportation of other than Indian goods.

That Indians can be successfully employed at various kinds of mechanical work, has already been sufficiently tested. A respectable number of their young men serve as apprentices in the saddler, blacksmith, shoe-maker, tinsmith, and carpenter shops at the agencies in the West, as well as at the Indian schools, and their proficiency is much commended. The school at Carlisle has been able to furnish considerable quantities of tin-ware, harness, and shoes, all made by Indian labor, and, in some of the saw-mills and grist-mills on the reservations, Indians are employed as machinists with perfect safety. Many Indians who, but a few years ago, did nothing but hunting and fighting, are now engaged in building houses for their families, and, with some instruction and aid on the part of the Government, they are doing reasonably well. Here and there an Indian is found who shows striking ability as a trader. All these things are capable of large and rapid development, if pushed forward and guided with wisdom and energy. All that is said here refers to the so-called wild tribes, such as the Sioux, the Shoshones, Poncas, Cheyennes, Arrapahoes, Pawnees, etc. The significant point is that, recognizing the change in their situation, Indian men now almost generally accept work as a necessity, while formerly all the drudgery was done by their women. The civilized tribes in the Indian Territory and elsewhere have already proved their capacity for advancement in a greater measure.

One of the most important agencies in the civilizing process is, of course, education in schools. The first step was the establishment of day-schools on the reservations for Indian children. The efforts made by the Government in that direction may not always have been efficiently conducted; but it is also certain that, in the nature of things, the result of that system could not be satisfactory. With the exception of a few hours spent in school, the children remained exposed to the influence of their more or less savage home surroundings, and the indulgence of their parents

greatly interfered with the regularity of their attendance and with the necessary discipline. Boarding-schools at the agencies were then tried, as far as the appropriations made by Congress would permit, adding to the usual elementary education some practical instruction in housework and domestic industries. The results thus obtained were perceptibly better, but even the best boarding-schools located on Indian reservations, in contact with no phase of human life except that of the Indian camp or village, still remain without those conditions of which the work of civilizing the growing Indian generation stands most in need.

The Indian, in order to be civilized, must not only learn how to read and write, but how to live. On most of the Indian reservations he lives only among his own kind, excepting the teachers and the few white agency people. He may feel the necessity of changing his mode of life ever so strongly; he may hear of civilization ever so much; but as long as he has not with his own eyes seen civilization at work, it will remain to him only a vague, shadowy idea—a new-fangled, outlandish contrivance, the objects of which cannot be clearly appreciated by him in detail. He hears that he must accept "the white man's way," and, in an indistinct manner, he is impressed with the necessity of doing so. But what is the white man's way? What ends does it serve? What means does it employ? What is necessary to attain it? The teaching in a school on an Indian reservation, in the midst of Indian barbarism, answers these questions only from hearsay. The impressions it thus produces, whether in all things right or in some things wrong, will, in any event, be insufficient to give the mind of the Indian a clear conception of what "the white man's way" really is. The school on the reservation undoubtedly does some good, but it does not enough. If the Indian is to become civilized, the most efficient method will be to permit him to see and watch civilization at work in its own atmosphere. In order to learn to live like the white man, he should see and observe how the white man lives in his own surroundings, what he is doing, and what he is doing it for. He should have an opportunity to observe, not by an occasional bewildering glimpse, like the Indians who now and then come to Washington to see the "Great Father," but observe with the eye of an interested party, while being taught to do likewise.

Such considerations led the Government, under the last administration, largely to increase the number of Indian pupils at the

Normal School at Hampton, Va., and to establish an institution for the education of Indian children at Carlisle, in Pennsylvania, where the young Indians would no longer be under the influence of the Indian camp or village, but in immediate contact with the towns, farms, and factories of civilized people, living and working in the atmosphere of civilization. In these institutions, the Indian children, among whom a large number of tribes are represented, receive the ordinary English education, while there are various shops and a farm for the instruction of the boys, and the girls are kept busy in the kitchen, dining-room, sewing-room, and with other domestic work. In the summer, as many as possible of the boys are placed in the care of intelligent and philanthropic farmers and their families, mostly in Pennsylvania and New England, where they find instructive employment in the field and barn-yard. The pupils are, under proper regulations, permitted to see as much as possible of the country and its inhabitants in the vicinity of the schools.

The results gained at these institutions are very striking. The native squalor of the Indian boys and girls rapidly gives way to neat appearance. A new intelligence, lighting up their faces, transforms their expression. Many of them show an astonishing eagerness to learn, quickness of perception, pride of accomplishment, and love for their teachers. Visiting the Carlisle school, I saw Indian boys, from ten to fifteen years old, who had arrived only five months before without the least knowledge of the English language, writing down long columns of figures at my dictation, and adding them up without the least mistake in calculation. Almost all submit cheerfully to the discipline imposed upon them. The boys show remarkable proficiency in mechanical and agricultural occupations, and the girls in all kinds of housework. They soon begin to take a lively and intelligent interest in the things they see around them. Most of this success is undoubtedly due to the intelligence, skill, and energy of the principals of those schools, General Armstrong and Captain Pratt, who in an eminent degree unite enthusiasm with practical ability. But it is evident that the efforts of the most devoted teachers would be of little avail, did not the pupils possess a corresponding capacity of receiving instruction. A third school of this kind was more recently established on the same plan at Forest Grove, in Oregon, for the education of children of the Indian tribes on the Pacific coast.

When the Indian pupils have received a sufficient course of schooling, they are sent back to their tribes, to make themselves practically useful there, and to serve, in their turn, as teachers and examples. We hear sometimes the opinion expressed that the young Indians so educated, when returned to their tribes, will, under the influence of their surroundings, speedily relapse into their old wild habits, and that thus the results of their training will, after all, be lost. Undoubtedly there was good reason for such apprehensions at the time when the Indians had no other conception of their future than an indefinite continuance of their old life as hunters and warriors, when civilized pursuits were not in demand among them, and all influences were adverse to every effort in that direction. Then, an educated Indian necessarily found himself isolated among his people, and his accomplishments were looked upon not only as useless, but as ridiculous. Under such circumstances, of course, he would be apt to relapse. But circumstances have changed since. It is generally known among the Indians that hunting will soon be at an end; that the old mode of life has become untenable, and productive work necessary. Now, knowledge and skill are in immediate demand among them. As long as they expected to live all their lives in tents of buffalo-skin, or of canvas furnished by the Government, the skill of the carpenter appeared to them useless. But now that they build houses for themselves and stables for their animals, the carpenter supplies an actual want. As long as they had no use for wagons, the wagon-maker was superfluous among them. As long as they raised only a little squaw-corn, and to that end found it sufficient to scratch the soil with their rude hoes, no mending of plows was called for. But since they have engaged more largely in agriculture, and are earning much money by freighting, the man who can repair plows and wagons and harness has become in their eyes a distinguished being. As long as they expected to live forever separated from the whites, the knowledge of the white man's language, and of reading and writing, was regarded as an unprofitable, and sometimes even a suspicious acquirement. But since the whites are crowding on all sides round their reservations, and the Indians cannot much longer avoid contact with them, and want to become like them, the knowledge of the white man's language and of the "speaking paper" appears in an entirely new light. Even most of the old-fogy

chiefs, who have clung most tenaciously to their traditional customs, very earnestly desire their children to receive that education for which they feel themselves too old. In one word, knowledge and skill are now in practical requisition among them, and the man who possesses these accomplishments is no longer ridiculed, but looked up to and envied. The young Indian, returning from school, will, under such circumstances, not be isolated in his tribe; for he will be surrounded by some who, having received the same education, are like him, and by a larger number who desire to be like him. It is, therefore, no longer to be apprehended that he will relapse into savage life. He will be a natural helper, teacher, and example to his people.

Especial attention is given in the Indian schools to the education of Indian girls, and at Hampton a new building is being erected for that purpose. This is of peculiar importance. The Indian woman has so far been only a beast of burden. The girl, when arrived at maturity, was disposed of like an article of trade. The Indian wife was treated by her husband alternately with animal fondness, and with the cruel brutality of the slave-driver. Nothing will be more apt to raise the Indians in the scale of civilization than to stimulate their attachment to permanent homes, and it is woman that must make the atmosphere and form the attraction of the home. She must be recognized, with affection and respect, as the center of domestic life. If we want the Indians to respect their women, we must lift up the Indian women to respect themselves. This is the purpose and work of education. If we educate the girls of to-day, we educate the mothers of to-morrow, and in educating those mothers we prepare the ground for the education of generations to come. Every effort made in that direction is, therefore, entitled to especial sympathy and encouragement.

It is true that the number of Indian children educated at Hampton, Carlisle, and Forest Grove is comparatively small, at present between four and five hundred. And it may be said that it will always remain small in proportion to the whole number of Indian children of school age. But, I have no doubt, even this comparatively small number, when returning to their tribes, will exercise a very perceptible influence in opening new views of life, in encouraging the desire for improvement, and in facilitating the work of the schools at the agencies. This influence will naturally be strengthened in the same measure as the number of

well-educated Indians grows larger. And I see no reason why the Government should not establish many more schools like those at Hampton and Carlisle. It is only a question of money. We are told that it costs little less than a million of dollars to kill an Indian in war. It costs about one hundred and fifty dollars a year to educate one at Hampton or Carlisle. If the education of Indian children saves the country only one small Indian war in the future, it will save money enough to sustain ten schools like Carlisle, with three hundred pupils each, for ten years. To make a liberal appropriation for such a purpose would, therefore, not only be a philanthropic act, but also the truest and wisest economy.

As the third thing necessary for the absorption of the Indians in the great body of American citizenship, I mentioned their individualization in the possession of property by their settlement in severalty upon small farm tracts with a fee simple title. When the Indians are so settled, and have become individual property-owners, holding their farms by the same title under the law by which white men hold theirs, they will feel more readily inclined to part with such of their lands as they cannot themselves cultivate, and from which they can derive profit only if they sell them, either in lots or in bulk, for a fair equivalent in money or in annuities. This done, the Indians will occupy no more ground than so many white people; the large reservations will gradually be opened to general settlement and enterprise, and the Indians, with their possessions, will cease to stand in the way of the "development of the country." The difficulty which has provoked so many encroachments and conflicts will then no longer exist. When the Indians are individual owners of real property, and as individuals enjoy the protection of the laws, their tribal cohesion will necessarily relax, and gradually disappear. They will have advanced an immense step in the direction of the "white man's way."

Is this plan practicable? In this respect we are not entirely without experience. Allotments of farm tracts to Indians and their settlement in severalty have already been attempted under special laws or treaties with a few tribes; in some instances, with success; in others, the Indians, when they had acquired individual title to their land, and before they had learned to appreciate its value, were induced to dispose of it, or were tricked out of it by unscrupulous white men, who took advantage of

their ignorance. They were thus impoverished again, and some of them fell back upon the Government for support. This should be guarded against, as much as it can be, by a legal provision making the title to their farm tracts inalienable for a certain period, say twenty-five years, during which the Indians will have sufficient opportunity to acquire more provident habits, to become somewhat acquainted with the ways of the world, and to learn to take care of themselves. In some cases where the allotment of lands in severalty and the granting of patents conveying a fee simple title to Indians was provided for in Indian treaties, the Interior Department under the last administration saw fit to put off the full execution of this provision for the reason that the law did not permit the insertion in the patent of the inalienability clause, that without such a clause the Indians would be exposed to the kind of spoliation above mentioned, and that it was hoped Congress would speedily supply that deficiency by the passage of the general "Severalty bill," then under discussion. Indeed, without such a clause in the land-patents, it cannot be denied that the conveyance of individual fee simple title to Indians would be a hazardous experiment, except in the case of those most advanced in civilization.

The question whether and how far the Indians generally are prepared for so great a change in their habits as their settlement in severalty involves, is certainly a very important one. Among those belonging to the five so-called civilized nations in the Indian Territory, opinions on this point are divided. When I visited their Agricultural Fair at Muscogee, two years ago, I found that of the representative men meeting there a minority were in favor, but a strong majority opposed to the division of their lands in severalty. This opposition springs in great part from the timid apprehension of the Indians that the division of their lands would, in the course of time, bring upon them the competition of white men, in which they distrust their ability to hold their own; and this feeling is worked upon by the ambitious politicians among them, who aspire to the high offices in their tribes, and who know that the settlement in severalty will be apt eventually to break up the tribal organization and to deprive the politicians of their importance. The friends of the severalty policy, on the other hand, I found to be mostly bright, active, and energetic men, some of them full-blood Indians, who trust their own ability to sustain themselves, and are clear-headed enough

to foresee what the ultimate fate of the Indian race must be. Among the "wild" tribes now beginning to adopt "the white man's way," the idea of settlement in severalty appears more popular in proportion. Appeals to the Government from Indians of that class for the allotment of farm tracts to heads of families and for "the white man's paper," have been very frequent of late, and in many instances very urgent. It is not to be assumed, however, that most of those who make such demands have more than a vague conception of what they are asking for, and that all the consequences of their settlement in severalty are entirely clear to their minds. In treating with uncivilized Indians we must never forget that their thoughts move within the narrow compass of their traditional notions, and that their understanding of any relations of life beyond that limited horizon are mere abstractions to them, and must necessarily be very imperfect. I have become acquainted with several chiefs of so-called "wild" tribes, who had won a reputation as men of ability, such as Spotted Tail, Red Cloud, Chief Joseph, and others, and while I found them to possess considerable shrewdness in the management of their own affairs according to their Indian notions, their grasp of things outside of that circle was extremely uncertain. I may except only Ouray, the late chief of the Ute nation, a man of a comprehensive mind, of large views, appreciating with great clearness not only the present situation of his race, but also its future destiny and the measures necessary to save the Indians from destruction and to assimilate them with the white people with whom they have to live. We must not expect them, therefore, to evolve out of their own consciousness what is best for their salvation. We must in a great measure do the necessary thinking for them, and then in the most humane way possible induce them to accept our conclusions. This is in most cases much more easily accomplished than might generally be supposed; for, especially in the transition from savage to civilized life, the Indian looks up with natural respect to the superior wisdom of the "Great Father," and, notwithstanding the distrust engendered by frequent deceptions in his intercourse with white men, it is not difficult to win his confidence if he is only approached with frankness and evidence of good-will. As to the severalty policy, those of the Indians who have become convinced of the necessity of adopting the "white man's way" are easily made to comprehend the advantage of each man's having his own

piece of land, and a good title to it. The ulterior consequences, as the gradual dissolution of the tribal relations, the disposition to be made of the unused lands for a fair compensation, and the opening of the large reservations,—these things will become intelligible and naturally acceptable to them as they go on. More opposition to the severalty policy may be apprehended from the "civilized tribes" in the Indian Territory, for the reasons above stated, than from those just emerging from a savage condition. But, I have no doubt, that also will yield in the course of time, as the peculiarities of their situation become clearer to their minds. It is only to be hoped that the change of sentiment may come soon, before the pressure of advancing enterprise has forced a conflict, and while the necessary transformation can be effected in peace and good order.

It must be kept in mind that the settlement of the Indians in severalty is one of those things for which the Indians and the Government are not always permitted to choose their own time. The necessity of immediate action may now and then present itself suddenly. Take the case of the Utes. Living in a country where game was still comparatively abundant down to a recent time, they were less inclined than other "wild" tribes to recognize the necessity of a change in their mode of life. But the pressure of mining enterprise in the direction of the Ute reservation was great. The impatience of the people of Colorado at the occupation by Indians of the western part of the State gave reason for the apprehension of irritations and collisions, and this state of things was aggravated by the occurrence of some disturbances at the agency. Under these circumstances, the Interior Department thought it advisable, in the autumn of 1879, to dispatch a suitable man as special agent to the Ute country, with instructions to allay the troubles existing at the agency, and to inquire whether steps could be taken to effect the settlement of the Utes in severalty, with any chance of success. While this measure was in preparation, the whole aspect of affairs suddenly changed. Fights and massacres occurred on the Ute reservation, which are still fresh in our memory. The people of Colorado were in a blaze of excitement. The cry, "The Utes must go!" rang all over the State. We were on the brink of an Indian war at the beginning of winter. That war threatened to involve the whole Ute nation, and to cost us many lives and millions of money. It

would finally have resulted in the destruction of the Ute tribe, or at least a large portion of it,—of the innocent with the guilty, at a great sacrifice, on our part, of blood and treasure. It was evident, to every one capable of judging the emergency, that such a calamity could be averted only by changing the situation of the Indians. Negotiations were opened, and the Utes agreed to be settled in severalty upon lands designated for that purpose, and to cede to the United States the whole of their reservation, except some small tracts of agricultural and grazing lands, in consideration of certain ample equivalents in various forms. Nobody will pretend that the Utes were fully prepared for such a change in their condition. Their chief, Ouray, was probably the only man among them who had a clear conception of the whole extent of that change. But nothing short of it would have saved the Ute tribe from destruction, and averted a most bloody and expensive conflict. In fact, even after that measure of composition, it required the most watchful management to prevent complications and collisions, and that watchful management will have to be continued for some time, for the danger is by no means over.

I cite this as an example to show how, in the conduct of Indian affairs, the necessity of doing certain things without sufficient preparation is sometimes precipitated upon the Government. Similar complications may arise at any time where the pressure of advancing enterprise upon Indian reservations is very great, and sustained by a numerous and rapidly increasing population, but especially where valuable mineral deposits have been discovered or their discovery is in prospect. There is nothing more dangerous to an Indian reservation than a rich mine. But the repeated invasions of the Indian Territory, as well as many other similar occurrences, have shown clearly enough that the attraction of good agricultural lands is apt to have the same effect, especially when great railroad enterprises are pushing in the same direction. It required, on the part of the Government, the greatest vigilance and energy to frustrate the attempted invasions of the Indian Territory, year after year. But as the endeavors of the Government have not always in similar cases had the same success in the past, they may not always be equally successful in the future, and there is now scarcely a single Indian reservation in the country that will not soon be exposed to the same chances. It is, therefore, of the utmost importance to the Indians, as well as to the country

generally, that a policy be adopted which will secure to them and their descendants the safe possession of such tracts of land as they can cultivate, and a fair compensation for the rest; and that such a policy be proceeded with before the protection of their present large possessions by the Government becomes too precarious, that is to say, before conflicts are precipitated upon them which the Government is not always able to prevent, and by which they may be in danger of losing their lands, their compensation, and even their lives, at the same time. It would undoubtedly be better if they could be carefully prepared for such a change of condition, so that they might clearly appreciate all its requirements and the consequences which are to follow. But those intrusted with the management of Indian affairs must not forget that, with regard to some Indian tribes and reservations at least, the matter is pressing; that the Government cannot control circumstances but is rather apt to be controlled by them, and that it must not only devise the necessary preparations for the change in the condition of the Indians with forecast and wisdom, but must push them with the greatest possible expedition and energy if untoward accidents are to be avoided.

It is, therefore, very much to be regretted that the bill authorizing and enabling the Interior Department to settle the Indians in severalty wherever practicable, to give them patents, conveying a fee simple title to their allotments, inalienable for a certain period, and to dispose of the reservation lands not so allotted with the consent of the Indians and for their benefit, so that they may be opened for general settlement and enterprise, did not become a law at the last session of Congress, or, rather, that such a law was not enacted years ago. The debate in the Senate on the Severalty bill, last winter, turned on the imperfections of its details. No doubt, such imperfections existed. It would, indeed, be very difficult, if not impossible, to draw up a bill of this kind so perfect in all its details that further experience gathered from its practical application might not suggest some desirable amendment. But the essential thing is that opportunity be given to the branch of the Government managing Indian affairs to gather such further experience from the actual experiment, and that opportunity will be given only by the enactment of a law containing the principal features of the plan, and allowing the Executive sufficient latitude in applying it, according to circumstances, wherever the Indians may be prepared for it, or wherever, even

without such preparation, the exigencies of the case may demand prompt action. The Executive will then be able understandingly to recommend amendments in the details of the law, as practical experience may point out their necessity. Certainly, not another session of Congress should be permitted to pass without comprehensive legislation on this important subject.

I am aware that I have not discussed here all points of importance connected with the Indian problem, such, for instance, as the necessity of extending the jurisdiction of the courts over Indian reservations, bringing the red men under the protection as well as the restraints of the law; and the question how the service should be organized to secure to the Indians intelligent, honest, and humane management, etc. It has been my purpose merely to set forth those important points which, in the practical management of Indian affairs, should be steadily kept in view. I will recapitulate them:

(1) The greatest danger hanging over the Indian race arises from the fact that, with their large and valuable territorial possessions which are lying waste, they stand in the way of what is commonly called "the development of the country."

(2) A rational Indian policy will make it its principal object to avert that danger from the red men, by doing what will be most beneficial to them, as well as to the whole people: namely, by harmonizing the habits, occupations, and interests of the Indians with that "development of the country."

(3) To accomplish this object, it is of pressing necessity to set the Indians to work, to educate their youth of both sexes, to make them small proprietors of land, with the right of individual ownership under the protection of the law, and to induce them to make that part of their lands which they do not need for cultivation, profitable to themselves in the only possible way, by selling it at a just rate of compensation, thus opening it to general settlement and enterprise.

The policy here outlined is apt to be looked upon with disfavor by two classes of people: on the one hand, those who think that "the only good Indian is a dead Indian," and who denounce every recognition of the Indian's rights and every desire to promote his advancement in civilization, as sickly sentimentality; and on the other hand, that class of philanthropists who, in their treatment of the Indian question, pay no regard to surrounding circumstances and suspect every policy contemplating a reduction

of the Indian reservations of being a scheme of spoliation and robbery, gotten up by speculators and "land-grabbers." With the first class it seems useless to reason. As to the second, they do not themselves believe, if they are sensible, that twenty-five years hence millions of acres of valuable land will, in any part of the country, still be kept apart as Indian hunting-grounds. The question is, whether the Indians are to be exposed to the danger of hostile collisions, and of being robbed of their lands in consequence, or whether they are to be induced by proper and fair means to sell that which, as long as they keep it, is of no advantage to anybody, but which, as soon as they part with it for a just compensation, will be of great advantage to themselves and their white neighbors alike. No true friend of the Indian will hesitate to choose the latter line of policy as one in entire accord with substantial justice, humanity, the civilization and welfare of the red men, and the general interests of the country.

CARL SCHURZ.

THE RELIGIOUS CONFLICTS OF THE AGE.

A GREAT many people have not known what to make of the articles in the NORTH AMERICAN advertising for a new religion, a new standard of truth, and a new morality. It is understood that some weak people ceased to subscribe to the REVIEW because of their supposed irreligious tendency. An editor of an able weekly paper wrote a reply to them, but was induced to withdraw it by a wiseacre who persuaded him that they were a sly defense of religion. Most people were curious to know who could have written them, and wondered what was the aim of the author or authors. A newspaper writer of strong antipathies malignantly ascribed them to a college president, who did not take much pains to deny them till he found himself satirized, and then could not speak of them with temper.

It so happens that I am well acquainted with the writers, who are personal friends of mine own. The oldest used to give occasional lectures in the New England academy in which I was trained. The second was an old pupil of that institution, and often visited it. The third was a fellow-student with me there.

It was the full intention of my father to give me an education of the highest order, and I was about to enter the famous university in our neighborhood when he died. What was I now to do? The farm was a bare, gravelly one, with more rock and stones than soil, requiring much care and yielding little produce. My mother had nothing left her but that farm. I resolved at once to give myself up to her as she gave herself up to me. While my companions went off joyously to the college, I devoted myself to tilling and sowing; and, upon the whole, I do not regret the sacrifice (as I felt it at the time) which I made. I love the old homestead with its fields, its cattle, its horses, and fruit-trees, which I have come to look upon as personal friends. I have

persuaded myself that farming is as favorable to independent thinking as the student life down there in that university, with its technical scholarship, its sophistry, and its haughtiness. I find that, with Robert Burns, I love the daisy and the mouse far more tenderly than these college lads, who handle only dried skeletons. I can follow the plow and yet be musing all the day long. I have long winter evenings with little to do, and I employ them in reading fresh books, lent me by a professor from the college library. The pure air invigorates me, and the aspects of the earth and sky, morning, noon, and evening, of spring and summer, of the fall and the winter, are watched with interest, and are felt through my whole being. I feel as if from my rocky height here I could take a fresher view of life, of the world around me and the world above me, than my former school companions, who are narrowed by the abstractions of learning. Fortunately, I have been able to keep up my friendship with members of the college. They come out one by one or in little groups on the Saturdays, and tell me what they are doing in their intellectual gymnasium, what sort of man the last appointed professor or tutor is, what the latest original work that has appeared, and what the topics discussed in the societies and in the little clubs. I often put on a sort of inquiring Socratic air, and question them as to the worth of what they are learning from these dead or living languages, metaphysical subtleties, and old bones.

When the articles appeared in the NORTH AMERICAN, I recognized the writers at once. I felt as if I saw their fallacies, and was strongly tempted to answer and expose them, the more so as they were after the tune of the times, and were misleading some of these college youths. I longed excessively to bring the authors together, that we might have a symposium, at once of bodily and intellectual food. So I asked them to spend a spring afternoon at our farm. I ventured to propose to my mother that she might ask the Agnostic's lady to come with him. Her whole nervous frame became intensely strung on the instant. She evidently grew an inch or two taller. I was sure I saw sparks issuing from her eyes; she looked precisely like her ancestress who came over in the Mayflower, and she treated the proposal as indignantly as that ancestress would have treated a mistress of Charles II. I abandoned the proposal on the instant. She wondered what sort of thing a symposium was, and was in doubt about it till I told

her it was to be after the model of the conferences in the Book of Job. She was only half satisfied, but told me she hoped I would act the part of the young Elihu, when the older men might be "darkening counsel by words without knowledge."

The three gentlemen arrived on the appointed day. The Evolutionist was advanced in years, with a well-developed but narrow forehead, of the very opposite pattern to that of Plato, the broad-browed. The Agnostic was thin, with an expression of scorn, like that which sits forever on the face of Voltaire. The New-Light Moralist was stout and burly, and looked as if he wished to enjoy life. My mother provided a well-loaded table, and I got glimpses of her, with her snow-white apron, guiding—or, in fact, serving—the somewhat awkward Irish servant. Our Evolutionist praised the beef, and remarked that it could not have been so excellent unless it had been developed; upon which I simply remarked that the development of the breed of cattle, so far from being fortuitous, had had a good deal of skill bestowed on it. The Agnostic relished somewhat the flowers and fruit, and I said that I was glad he found a reality. There was wine on the side-table (my mother would not allow it on the dining-table), and the Moralist, as he drank it, denounced the bigoted temperance men who were depriving people of lawful enjoyments. I hinted that the young men down there in the college did need to be guarded against the terrible temptations, either after the method of Mr. Gough or Dr. Crosby. The conversation gradually slid into farming operations and the topics engrossing the adjoining university.

After the dinner, we retired to a pleasant, rocky height, whence we had a distant glimpse of the ocean over which the ancestors of my mother sailed, and of the college buildings, from which, though a good many miles off, we almost felt as if we heard the hum of the recitations. It was agreed, out of courtesy, that, as each of the three writers had enjoyed an opportunity of expressing his views in full, I should answer them each in turn. Two students, who had come out on their Saturday excursion, joined us. One of them, a scientific, sat with a leer on his eye, wondering at our foolish discussion, and evidently rejoicing that he had a mastodon and a whole host of fossils to go back to. The other, a big-headed fellow, with shaggy brows, listened with intense eagerness, industriously took notes, carried them down with him to his college, and showed them to his professor of

philosophy and a dozen plodding students, who read them with eyes as wide and as wise as those of owls. The issue of the whole is this article.

FIRST ROUND.—THE AGNOSTIC AND THE YANKEE FARMER.

As I saw that, in order to any work being done, it was necessary to have some posts fixed to which to tie our ropes, I began with the Agnostic.

FARMER.—I am very anxious to know what Agnosticism is. The word has come into use since I left school. I suppose it is much the same as used to be called Nescience, which, inconsistently enough, professes to know that we can know nothing, and Nihilism, which proclaims that there is nothing to be known, which implies that Nihilism is nothing, though that of Russia knows how to kill kings. These systems always seemed to me to be suicidal, that is, self-destructive—represented by the serpent which swallowed itself, not even leaving its tail behind.

AGNOSTIC.—There have been a great many able Agnostics from an early date. Gorgias, the sophist philosopher, maintained that he could demonstrate that nothing exists, that if it exists it is unknowable, and even if knowable is not communicable. All the Greek sophists were virtually Agnostics, as they held that man cannot discover independent truth. I do not claim for the fraternity the absolute skeptics such as Sextus Empiricus, who refused to run out of the way of carriages coming upon him. These men made a great mistake in denying anything; they should have contented themselves with refusing to affirm. We claim Hume, who allowed the existence of only impressions and ideas, without a thing to impress or a thing impressed, and Kant, who admits phenomena in the sense of appearances, with, it may be, things behind which can never be known, and Sir W. Hamilton, who elaborated a theory to the effect that "the knowledge of nothing is the principle or the consummation of all true philosophy." But our living masters are Spencer and Huxley.

FAR.—Then your Agnostics are ignorant men, seeing that they know nothing.

AG.—The very opposite. The sophists were very intelligent men, teaching the highest class youths of Greece, in the days of

Pericles. Since the defenses of Lewes and Grote appeared, the sophists are placed above Socrates, Plato, and Aristotle, who were all pretenders to truth which they did not possess. Kant and Hamilton were profound scholars. Huxley, it will be admitted, knows a good bit of biology, and as to Herbert Spencer, he is filled with universal knowledge.

FAR.—My poor brain is becoming sadly puzzled. These men are evidently very learned, and I am prepared to admire them excessively. I am inclined to say of them what an Irish servant said of his master, who got a fine government office: "My master has got a grand situation; he has nothing to do, and he does it well."

AG.—That is a caricature of our meaning.

FAR.—What, then, do you mean when you say, "We know nothing"?

AG.—We certainly do not know things. But, as Hume allows, we have impressions, which, when reproduced, become ideas. More philosophically, we have phenomena, appearances, as Kant assumed and Hamilton and Spencer allow. But what reality, what thing is, or things are in these, or beneath these, or above them, no one can tell.

FAR.—In my ignorance and stupidity I always looked on appearances as appearances of something—as, in fact, things appearing. Even that cloud consists of drops of moisture which, in that rainbow, are tinged by beams of the sun.

AG.—They exist as appearances. What they have, or whether they have anything besides, we, in our modesty, neither affirm nor deny, for we are not skeptics.

FAR.—But if the words you use have any meaning, they must have appeared to some one, to you or me, whose existence is thereby implied.

AG.—You are going too fast. They are appearances to us, who are also appearances, with what reality we know not.

FAR.—Then we have a vast volume of appearances. I am reminded of what I read in my school-days, of the exclamation of Anacharsis, the Thracian traveler, as he listened to Greek dialectics, "*Væ quantum nihili!*"

AG.—All that Spencer knows—in fact, the whole universe, so far as we can know it—consists of appearances. Science, even that of Newton, is nothing but the classification or arrangement of appearances.

FAR.—But things are arranged according to their qualities, are classified according to their type and structure. These, therefore, must be known.

AG.—Yes, known as appearances.

FAR.—If we know them as appearances, they cannot be absolutely unknown. I am become intently bent on finding out (I suppose I dare not say *knowing*) what we do know, and what we do not know, about these appearances. Lately I was standing by my plow in the field when the horses plunged, and the plowshare was knocked into my leg, which has scarcely yet recovered. What known reality had I there? I suppose I had pain.

AG.—This may be allowed; it was an impression. It was an appearance, though what the pain was we cannot tell.

FAR.—It is useful to have one reality conceded. But I had some other appearances: a couple of plunging horses, a limb torn and bleeding, the wound continuing for weeks, remedies applied, and a healing process. Somehow I believe that these existed just as the pain did, and that the pain was felt by me as a conscious being taking pains to be relieved from it. I believe in the painful measures taken by the surgeon, and the very surgeon himself; in the soothing imparted by my mother, and in my mother as thus soothing me, I feel that I had much the same evidence of all of these. I may allow you to call them phenomena, but then they are of things appearing. It is utter nonsense to give an abstraction a separate position from the thing appearing.

AG.—But do you really go so far as to maintain that all appearances are realities? That this white appearance is a ghost risen from the grave? That this sound heard at midnight was the attack of a burglar? That every unexplained event is a miracle?

FAR.—I crave no such application of my maxim. I do hold that every appearance implies a thing appearing. But we may have to make some inquiries, and exercise judgment in order to determine what the thing appearing is. An appearance literally is an affection of the eye, and this is a reality. There may be need of inquiry, and there may be doubts as to what caused the affection of the eye. I remember of my seeing a white figure in a grove near my father's house, and of my running into the house and declaring that I had seen a ghost. My father took me by the hand, and we went out to the place, to find that the object was a white sheet thrown out on a tree and being moved by the wind.

A tree reflected in a smooth pool is a reality; it is light reflected from water, though it is not a tree growing with its crown downward. If there be a real appearance, there must be a thing appearing, but we may have to make investigation before we can settle what the thing is—in fact, may never be able to find what it is. In particular, the apparent deceptions of the senses are not real deceptions. In looking across an arm of the sea, I see a rock on the other side which I believe to be a mile off; but in sailing toward it I find it three miles away. This is merely a wrong inference, founded on the rule, correct enough in ordinary cases, but not applying here. In our common books of science, these mistakes are carefully pointed out, and the veracity of the senses guarded by its being shown that the supposed deceptions of the senses are merely wrong inferences made in the rapidity of thinking.

AG.—But every educated man knows that it has been established that heredity determines men's dispositions, judgments, and opinions. A mountain range divides a people of one character and religion from those of another, and this because the two peoples are of a different ancestry. Every child is the product, not just of his immediate father and mother, but of his progenitors through indefinite ages. People wonder that this infant, just born, has a pug nose, which neither parent has. But older people can tell you that there was a grandmother who had precisely such a nose. So there are characters which seem to separate from their whole kindred; but if we knew all the ancestry, we should find that we have only a mixture, often incongruous, but sometimes consistent, of the peculiarities of forefathers and foremothers. Judgments thus caused by fate or fortuity are worthless, and we are not sure that there is truth in any of them. In our highest intellectual exercises, we have only appearances which, in other circumstances and with other heredities, might appear very different.

FAR.—We farmers are inclined to attribute much to heredity. We like to have a good breed of horses and cattle; but I prize the mettle of my horses feeding there as a positive and real thing, even though it may have come from their stock. Whatever my ancestors may have been, I have some gifts which I claim as my own, and which I exercise. I have a perception of things, and a power of judging them and reasoning about them. I perceive the horses down there, and know pretty well which is

a good one. I may have got my power of discernment from my Yankee mother; but it is mine now, and I find I can trust in it. I know things and the relations of things. I inquire into the past and the distant, and can, so far, anticipate the future. If this power has come from heredity, it is a wisely regulated heredity,—quite as much so as that of my horse there, the breed of which has been carefully attended to. I will allow no man to deprive me of this power of judging. I denounce Agnosticism as not only false, but injurious, when it denies me a power of independent thought, and makes me a mere product of circumstances—an advanced catarrhine monkey, which somehow got the power of speech. He who regards himself, and allows himself to be regarded, as a beast, will sink toward the beastly state. I prefer dwelling rather on my heavenly origin, and hope thereby to be aided in attaining a heavenly character.

AG.—Is it possible that a man of sense like you can really credit these fables about an unseen world, which, if it exist, cannot become known to us?

FAR.—I now clearly discover what is the kind of truth to which you Agnostics are so opposed. You believe practically in meat and money as at least attractive appearances. It is not of much moment whether you believe in them theoretically or no, as by hereditary instinct you will eat and drink and seek honors and pleasures in life, whether you do or do not acknowledge them to be realities. But when you set aside moral and spiritual realities, the existence of God, the authority of a divine law, the immortality of the soul, and a judgment-day, there is no natural inclination making us practically allow these truths to restrain and constrain, to guide and elevate.

[At this stage my mother sent us out some fine strawberries, whereon]

AG.—These must have come from the South, as no fruit is yet ripe in this region of ours.

FAR.—Good reasoning upon realities known.

As the strawberries appeared and the guests rose to receive them, the burly New-Light Moralist easily turned the ghostly Agnostic out of the way as if he were as great a nonentity as he affected to be, and proceeded:

SECOND ROUND.—THE NEW-LIGHT MORALIST AND THE YANKEE FARMER.

MORALIST.—We have had enough of this nonsense. I am satisfied that there are realities, and I am anxious to have as many of the good things of this world as I can. I believe not only in the reality of the pleasure I have got from the strawberries, but in the excellence of the strawberries, and in the validity of the inference that they must have come from a warmer climate. I acknowledge the force of your arguments against my friend, who says we can know nothing. But you can advance no such arguments against me.

FARMER.—You should not be so sure of this. You admit that we have perceptions of the senses external, and I may add internal—that is, self-consciousness. It is possible that we may have equally trustworthy perceptions of higher realities. You put trust in your intellectual perceptions. We have also moral perceptions.

MOR.—What do you mean by intellectual perceptions?

FAR.—The perception of the strawberries, and of the validity of the inference that they grew in a warmer climate than this, and all like perception of objects and logical conclusions drawn from them, such as the existence of your friends and their characters.

MOR.—It is quite in my way to admit all this. It is the result of experience.

FAR.—But an experience gathered by the intellect, in which, therefore, you trust.

MOR.—I do not see that you will gain much by my admitting this.

FAR.—It implies that we can distinguish between truth and error. You will admit that the judge and jury in the court in which you plead can in certain cases tell whether the prisoner is or is not guilty. It is surely conceivable that we should also have moral perceptions to distinguish between good and evil. You believe that the jury did right in finding that servant of yours guilty who stole the hundred dollars. But are you not also sure that what she did was bad? Are you not as sure of this as of the fact that she did the deed and that the judge condemned her?

MOR.—I see you adhere to the intuitive theory of morals. You do not seem to call in the Will of God and Scripture, which I am glad of.

FAR.—It has been shown that virtue is good, not because God wills it, but that He wills it because it is good, such being His holy nature. I am not a college-bred man, and I do not know, nor care, what they call my view. I do not know that I have any theory. But I have a fact of consciousness that both you and I disapprove of certain deeds, and approve of others. In this way, I rise to a law which I find to be the law of God. The two supply a very deep foundation for morality. To which theory do you adhere?

MOR.—Certainly not to the Will-of-God theory, nor the intuitive theory. I have a partiality for the utilitarian, or rather the hedonist theory, that we should seek pleasure for ourselves and for others. I believe in both what we now call egoism and altruism.

FAR.—But you acknowledge that you are not altogether satisfied with utilitarianism. Can utilitarianism show you why you should seek pleasure not only for yourself, but for others? Natural, that is, inherited, instincts will lead you to seek pleasure for yourself; but why should you labor and suffer for strangers?

MOR.—To promote the interests of others is often the best means of promoting my own.

FAR.—If this is all the length your altruism carries you, it is, after all, only a systematic egoism—that is, selfishness. There are cases constantly occurring in which men do not see very clearly how doing good to others will do good to themselves; to stand up, for instance, for a maligned man, when the community upon whose favorable opinion our professional success depends is set against him. When such a creed prevails, we shall have few of those noble deeds of courage and self-sacrifice of which our world is so proud. You see at once that hedonism has no obligation to lay on you to promote another man's pleasure; it cannot show that you *ought* to do this. In short, it fails to provide a motive for promoting its own end, that of promoting the greatest happiness of the greatest number.

MOR.—I confess I have some difficulty in determining what the greatest number is, and what is their greatest happiness. I have no desire to see slavery restored in this country, but I cannot settle it in my mind whether the colored people have more pleasure in their present than in their former state. But the utilitarians lay down certain regulating principles as to the beneficial tendencies of acts.

FAR.—It is all but impossible to calculate the precise consequences of certain acts, and there is a great risk of miscalculating under the influence of prejudice. As to the general rules laid down by utilitarians, it is often difficult to apply them—to say when they apply, or which of them does apply, in a given case. But the grand difficulty of the theory lies in the circumstance that it holds out no motive to constrain men to attend, in critical emergencies and when under temptations, to the principles of morals. You do not seem to attach much value to Herbert Spencer's modification of the utilitarian theory.

MOR.—You misunderstand me. In the end his morality may rule the world. Heredity will then make all men moral. Pain will cease. Men will not then need a moral law. They will be virtuous "as a matter of course," without its being necessary that they should be swayed by love. But development is not yet sufficiently advanced to accomplish this. We who live in the period of "struggle" often do not know what to do.

FAR.—I see no evidence that development is fitted to remove either pain or sin from our world. Certainly they both exist at present, and morality should teach us how to act in a state of things in which they abound. But Mr. Spencer has introduced what he calls a rational utilitarianism, which "deduces from the laws of life and the conditions of existence what kinds of action necessarily tend to produce happiness, and what kinds to produce unhappiness. Having done this, its deductions are to be recognized as laws of conduct, and are to be conformed to, irrespective of a direct estimation of happiness or misery." The old objection applies to this, that it contains no motive to constrain attention to deductions. What does he mean by the "laws of life"? I am afraid some would not understand them, and many would not feel any obligation to attend to them.

MOR.—He must mean the great laws of development and heredity, the laws derived from the gathered and inherited experience of ancestors, brute and human.

FAR.—But that experience is not uniform. Some of our ancestors, among the lower animals and men, have been cruel; some are deceitful—do, in fact, live by guile; others are sensual. There is the fierceness of the tiger, the cunning of the fox, and the grossness of the pig. These qualities, it may be supposed, are going down in the descent. Are we to follow these, because they come from our fathers? Or are we to resist and reject

them—or, at least, some of them? If so, it must be from some law separate from and distinct from heredity, above heredity, and to which heredity should yield.

MOR.—I notice you are always coming back to an intuitive perception of good and evil—that is, conscience. You know that it has been shown that conscience is the product of heredity, and in that respect is like the other animal propensities, and carries with it no peculiar weight. Darwin has shown that it appears in the lower animals. You may see evidence of it in the look and attitude of the dog, when he has done a deed fitted to please his master, and in his running off, with his tail between his legs, when he has offended. It can carry with it no authority.

FAR.—It may carry with it as much authority as the intelligence which you believe to be also the consolidation of hereditary experience. Your understanding may have been developed, but you are sure it speaks true when it declares that all the angles of a triangle are equal to two right angles, that you were once at college, that you are now a lawyer, and that the judge decided the case against your servant. May not your moral nature be equally right in declaring that the deed of the servant was wrong and the sentence of the judge just, and that you are entitled to demand that your clients pay their fees?

MOR.—I, too, believe this; but this not because of that fallible conscience. I decide thus because I see what evil would arise from not punishing my servant, and from allowing those for whom I have labored to pay my fees, or not, as they please.

FAR.—This is falling back on utilitarianism, the weakness of which you have exposed. Your account of the nature of conscience in your article is very graphic; but you are evidently laboring under a misapprehension as to its function. You suppose that the conscience is the moral law itself, and is to be regarded as infallible; but this is a mistake. Let me explain what I mean by an illustration: My mother has an old clock on the wall, which is now usually silent, but which she sets agoing occasionally, when it sometimes goes too quick and sometimes too slow, and often stops. She believes (I do not) that it came over in the Mayflower. Now, we do not regard this clock, or any other clock, as regulating time, or as settling the length of the day. These are determined for us by the sun. But there are two things that the clock does: it exhibits hours and days, and, when it is in a sound state, it makes them known to us. Pre-

cisely analogous is the function of the conscience. It does not constitute the good or make the law. Its perceptions do not render an action, considered in itself, to be either virtuous or vicious. What it does is to reveal the quality to us. It is not my eye which makes the apple-tree before us; it simply makes it known to us. Just as little do the decisions of the conscience constitute the goodness of an action. The tree exists, and truth exists, and moral good exists, whether the conscience or the intellect perceives them or no. The moral and intellectual powers are merely the organs through which the good and the true are disclosed. And as the eye may be diseased, so may the conscience, and the intellect, too, become perverted. But the eye implies an object to be seen, and the intellect implies that there is truth; so the conscience implies that there is moral good, which shines up there in the heavens, even when there is (as now) a cloud concealing it. There are standards of truth, as in mathematics, even when the boy makes mistakes in his demonstrations. So there is a moral standard even when men do not attend to it. That standard is not the conscience, but the moral law, which is the law of love—that is, law and love; the law requiring and regulating love. The conscience may vacillate, and even err; but the moral law is immutable and eternal.

MOR.—But you make that law too pure and lofty—as high and unapproachable as the sun. It frightens the young, and is offensive to all because it is so stiff and rigid. I do not propose to do away with law, but it should accommodate itself to our nature and to circumstances, and admit exceptions.

FAR.—A military officer cannot exact obedience beyond his own province—cannot, for instance, demand a special religious belief from his soldiers; but in his own domain he cannot allow exceptions to his orders. The magistrate cannot stretch his penalties beyond his own field of property and life; but in his own jurisdiction he cannot allow people to keep one law and break another; to steal, provided he does not murder; to raise a drunken disturbance on the streets, and be guilty of seduction, provided he be honest. If God's law be holy, just, and good, He must require perfect obedience. What God requires is love under law, and He demands attention to its requirements.

MOR.—But why place the ideal so high?

FAR.—It is of vast moment to have a model before every man, and before society, to keep them from falling and to lift them up

when fallen. Your principles would produce a state of society like that in the time of the Roman Emperors Augustus and Tiberius, like that of Louis XV. in France, and like that of Charles II. in England, from which all men, perceiving the evils, turned away with such a terrible revulsion. You object specially to the Sabbath?

MOR.—Certainly, because so gloomy.

FAR.—I have always looked on the Sabbath as one of the most beneficent of our institutions. It is so to me, my household, and my horses, obliged to toil all the week. I have observed, too, in my occasional travels, that in France, in Germany, and in certain parts of the West in our own country, the people, though well enough educated in the elementary schools, have less intelligence because they have no quiet Sabbath on which to think and keep up their reading.

MOR.—But we might have all this without making the day so awfully sacred.

FAR.—The difficulty would be, without a divine sanction, to make people combine as to the time, and to impose and obey the necessary restrictions. The selfish master would insist on labor from his dependents in certain circumstances—the merchant, for instance, when he had pressing lucrative orders. The pleasure-loving would insist on amusements, requiring labors, which, so far from being amusements, imply severe toil from vast multitudes. You may say law should secure the restrictions; but laws, under popular governments, can only be passed where there is a popular sentiment in their favor, and such laws would not be passed in a state of society such as I have pointed to. Besides, even though law might enjoin a day of rest, it could not make men engage in elevating exercises—in short, to remember the Sabbath day to keep it holy. Our forefathers may on some points have been too stern; but their descendants, with their railway traveling, their reading of novels and secular papers, and their theater-going, may be rushing to the opposite and worse extreme. I know a promising young man, from this neighborhood, who went into a newspaper office where he had to work the whole Sabbath; he struggled for a time, and then lost all sense of everything spiritual. The Sabbath (like every precept of the law) was made for man by the God who made him, and knows what he needs, and has set apart this day to give him rest and make him good.

The Evolutionist here interposed. As he had been at one time my preceptor, as his head was all silvered over where it was not bald, and as his manner of late had become more subdued and less dogmatic, I treated him with more respect than I did the younger men.

THIRD ROUND.—EVOLUTIONIST AND YANKEE FARMER.

EVOLUTIONIST.—I wish you all to understand that I disapprove of these attempts to undermine morality. I believe them to be injurious to the best interests of the race.

FARMER.—It may be as well for you to know whither Agnosticism is tending, and the consequences which some are drawing from Evolution.

EV.—I certainly wish to retain the morality, but to separate it from religion, which I also wish to retain, but in a higher form.

FAR.—But you must be aware that those who have undermined the religion have, in the very act, shaken the morality. You will have to consider whether the principles of an evolution without a religion, without a God, and without a fixed moral law will not lead, logically and practically, to the low and loose morality which our friend has been recommending, and which you are condemning. These discussions as to religion and morality will require those who are not to abandon both to build up from the very foundation, when they may find that the same deep principles which bear up morality are guaranteeing the fundamental truths of religion. You know that the great body of Evolutionists and all Agnostics regard conscience as developed, and the product of circumstances, and therefore having no absolute claim on obedience. What foundation have you left for morality? I am afraid that, like our Moralist here, you will have to advertise for a new ethics, as well as a new religion.

EV.—I have always held that we should all promote the general welfare. I admit the difficulty of the great body of mankind being able or willing to find what that welfare is or requires. But all men have kind social instincts and a hereditary conscience, and our aim should be to create such a public sentiment as to incline men to what is good.

FAR.—But, in the case of many, all these may be counteracted and thwarted by selfishness, by lusts and passions, which need a positive law to lay a restraint on them. I fear that your philoso-

phy tends to weaken these sentiments—which are, after all, mere aids to virtue—as showing that they have no foundation; and you will find it difficult to create, or even keep up, a public feeling ready to stand by a high and severe morality. What think you of those renowned writers, male and female, more than once referred to in these articles, who lived as husband or wife with those to whom they were not married?

EV.—I regret their conduct. I believe in marriage and monogamy. Have you had no such illicit intercourse among professing Christians, who managed to keep their acts concealed?

FAR.—Yes; but we have a moral law which condemns them, and which has created a public sentiment which also condemns them. Remove the law, and the sentiment will evaporate and disappear, and the practice will become general—like the keeping of mistresses by kings two hundred years ago—because there is nothing to restrain it. Such conduct on the part of professing Christians is censured severely, and no one is tempted to copy it. But many feel as if your evolutionary ethics utters no such condemnation, and many may be led to imitate the persons to whom we have referred, because of their genius. It is surely very unwise to separate religion and morality. The moral law in the heart seems to point to a law-giver, and religion gives a motive power to humanity. The great German metaphysician, Kant, showed that the moral reason, whose law he described as the categorical imperative, implied responsibility, a judgment-day, and God as judge; and these are the great truths of natural religion.

EV.—I suppose you give up the argument from design.

FAR.—I do not. As our moral nature demands a law-giver, so our rational nature demands that there be a designer, the cause of the adaptation or design we see everywhere.

EV.—Do not understand that I am opposed to religion. I do not wish to deprive you, my young friend, of your faith. I should not like my lovely adopted daughter to give up her prayers and attendance at public worship. But I confess I am not satisfied with any existing religion.

FAR.—I believe the answers to your advertisement for a new religion have convinced you that there is no hope of your getting a new religion capable of standing a moment's scrutiny.

EV.—I was sincere in my advertisement. I did wish to have a satisfactory religion. I have usually attended the Unitarian

Church, because there was nothing to offend me, while there was nothing to meet my felt wants. It still professes to cling to Scripture, with which it is evidently not consistent. As I cannot live in a vacuum, I am becoming wearied of it. There is evidence that man is everywhere predisposed toward religion.

FAR.—The evolutionists explain this by heredity. I explain it by the felt needs of man and his rational nature, handed down, it may be, from ancestors. You proceed upon the fact that man has a capacity of judging and deciding; and, acting on it, you condemn the heathen superstitions. On like grounds I argue that man has a moral and spiritual, or rather that these are part of his essential, nature.

EV.—But what am I to believe? I am not satisfied with your Scriptures. There are some things in the earlier books which, as Mr. Mill says, are barbarous—such as the cruel wars and the gross immoralities practiced by persons who are recommended to us as exemplars. I cannot believe in their inspiration.

FAR.—Better leave the question of plenary inspiration aside till we ascertain whether there is not something superhuman in them. When we have determined this, on good evidence, we may discover some means of accounting for what is evidently human being allowed to remain. The Scriptures often narrate events and picture characters in dark enough colors. But they show us a clear advance, and they give us enough to lift us above the rudeness and vice prevalent in the barbarous ages. Their precepts, sanctioned by God, such as the decalogue, the moral maxims of the prophets, the discourses of Christ, and the epistles of Paul, Peter, and John, have been the main means of promoting thought, science, and civilization in modern Europe and in America.

EV.—There are doctrines which I cannot swallow. I do not refer to such high dogmas as Predestination and the Trinity, to which so many of my Unitarian friends object. For the great body of philosophers, including Mr. Mill, have held a doctrine of necessity, a more forbidding doctrine than fore-ordination, which implies something of will in man, and a wise God who governs. If there be a God, which I do not deny, though I am in perplexity on the whole subject, His nature must be so high and mysterious that I can conceive there should be in it a Trinity, or threefold distinction, as well as an essential unity. But the doctrine of a blood-atonement I cannot stand; it seems to me so unworthy of God.

FAR.—Many profound thinkers have felt this to be the grand reconciling doctrine of God's government in a world in which God, represented by His law, is holy, and man is an acknowleged breaker of that law, in which there are both good and evil, both optimism and pessimism. No one knows better than the evolutionist that the world has been a scene of contest from the beginning—first a struggle for existence in the animal ages, and now a contest between the evil and the good. In the atonement, God is just and yet the justifier of the ungodly, while the heart of the sinner is won by the manifestation of love.

EV.—There is much in Christianity that commends itself to me. In particular, the character of Jesus is so unique; so perfect in purity, in heavenliness, in love, in tenderness and sympathy, that I am obliged to acknowledge that I cannot understand how a Jew, a Galilean, a Nazarene could have conceived, much less fashioned, such a character.

FAR.—If you only yield to the attractive power of Christ, all will come right with you: you will have a body of consistent and comforting truth to establish you, and a motive to live and labor, to be good and to do good.

By this time the light was failing, and we passed into the house, where we found the evening meal prepared for us. My mother asked me to say grace, and as I did so, the Agnostic gazed into the air, looking on the grace and the air as equally phenomenal; the Moralist, being hungry, fixed his eyes on the food; and the Evolutionist bowed his head reverently and was pained because he could not say amen. Shortly after we parted, each one following his own thoughts, to bear him I know not whither. For myself, I was humbled because I had not done justice to the cause which I tried to sustain, but sure that I was in a more satisfactory state of mind than those abler men who were seeking for truth without finding it.

A YANKEE FARMER.

THE POWER OF PUBLIC PLUNDER.

THE element of disinterestedness is nearly gone from our politics. We do not all speak out so bluntly as the Colorado editor, who informed his readers that announcements of candidacy would be inserted at the uniform rate of five dollars, and that "all political work" would be charged to the person ordering it, unless it was paid for in advance. It would be better, perhaps, if the matter were put once for all upon such a simple footing. There was a convention held at Chicago last year at which some millions of words were spoken, and among them there were ten perfectly sincere ones, uttered by a voice from out of the Lone Star: "What are we here for if not for the offices?" Such is still the power of absolute sincerity over the human mind, that this was the effective speech of the occasion. All is forgotten but the noise of the chairman's hammer and this admirable epitome of the situation by Mr. O'Flanagan.

On a certain evening in October last, the writer of these pages was astonished to find himself sitting in the chairman's seat at what was supposed to be a political meeting. He enjoyed an interesting and a novel experience. The evening before, a committee called upon him and invited him (a most unpolitical person) to preside. He did not ask the committee by what gift of prescience they had been enabled to foresee that the assembled multitude would desire him to preside over their deliberations. He accepted the invitation without asking childish questions, and thus became part of a splendid show! On the evening designated, the town was in a blaze of glory, chiefly generated by the "patent campaign torch," supplied on favorable terms by a firm of dealers in the numerous articles which are now described as "campaign material"; a business the volume of which ran into the millions last year. A

band of music was provided, of course. There was a procession of boys and young men in very showy uniforms. Carriages were in attendance to convey participants from the hotel to the place of meeting, a toilsome journey of almost two hundred yards. The scene presented in the interior of the hall was highly animated and striking: the walls draped with flags, the uniformed boys all seated together, a brilliant parterre of young eyes and glowing color, the clubs of young men wearing rosettes and badges, the band picturesquely placed, the platform well covered with citizens. Nothing was wanting to the scene except a good solid background of disinterested audience. The audience was "shy." The room would have held a thousand people; but, omitting persons who constituted the attractive force of the occasion, there may have been three hundred genuine auditors.

The proceedings, too, had almost every quality except that of spontaneity. The audience had precisely as much voice in deciding what those proceedings should be, as the guests of a wealthy house have in determining the bill of fare at the banquet to which they are invited; as much voice as Roman voters had in the selection of the gladiators and the lions that were to be torn for their amusement in the Coliseum. The chairman, the vice-presidents, and the secretaries were announced, not elected; and, it must be owned, they were provided in ample numbers. The chairman, in his extreme ignorance and childlike innocence, blurted out the whole truth of the situation. He remarked that his respected Uncle had then in his service one hundred thousand persons, most of whom were capable and well disposed. He was asked, he said, to vote in such a way as to deprive them suddenly, and without cause, of their means of subsistence, and put into their places a hundred thousand other men, unknown and untried. He respectfully declined so to do, and he had now the honor of introducing the orator of the evening. That orator, who was a master in the art of amusing an audience, told two dozen of the most killing anecdotes ever perfected by a hundred repetitions on the stoop of a country store. It was delightful to see the boys laugh at them, and the austere countenances of some of the elderly auditors relax under the genial spell.

Here was a costly, elaborate, and highly successful entertainment, provided free to all comers. It was a "meeting" only in the sense in which our other Mr. Barnum's Greatest Show on Earth is a meeting. It was a meeting such as a Roman politician

used to arrange for his constituents, except that it was innocent in every detail. A Roman politician of Cicero's day would write to a friend in an African province: "I begin hand-shaking to-morrow for the consulship; send me some lions." At our meeting, no gladiators were mangled; no members of the Young Men's Christian Association were devoured. It was, nevertheless, as much a device for the amusement of the auditors as the stupendous gatherings which Vespasian and Titus contemplated when they built the Coliseum.

We begin now to understand that wonderful edifice, which cost as much as a considerable city; for we are ourselves approaching a phase of politics similar to that which the Coliseum completed, and now commemorates. Our voters, like those of Rome, are coming to sit passive, waiting to see which party will provide the most magnificent and sumptuous shows. Our expenditures for political purposes are spread over so vast a territory that we cannot reckon up the sum total. If we could, it would startle the world. I think I have seen in Union Square a political display (it were too absurd to call it a meeting) that cost forty thousand dollars: a tumult of huge bands, volcanoes of fire-works, miles of torch-light procession, and a dozen politicians roaring from the stands to little groups of people. The cost of an ordinary affair of this kind, given by parties before every election, runs up to several thousands of dollars, and most of the expense is incurred for fire and noise. A remarkable circumstance is, that scarcely any of the work done on these occasions is voluntary. All is paid for in some kind of value; generally, in money down. Within the memory of men not very old, the Tammany Society could command willing service from the *élite* of the young men of New York on every occasion when hard work was needed. It was once a distinction to young men of position to be the secretary of a ward committee, and such it remained, so long as posts of that kind yielded nothing but honor and satisfaction. So, at least, our elders tell us. We know but too well that that precious element of disinterestedness is now absent from our politics. Perhaps there never was quite so much of it as our old politicians think there was, and it began very early to diminish. At present, in the ninety-fifth year of the Constitution, we are face to face with a state of politics of extreme simplicity, of which money is the motive, the means, and the end. What was the last presidential election but a contest

of purses? The longest purse carried the day, and it carried the day because it was the longest. Some innocent readers, perhaps, have wondered why the famous orators who swayed and entertained vast multitudes night after night, and day after day, have not been "recognized" in the distribution of offices. Most of them were paid in cash, from ten dollars a night to a thousand dollars a week. We have outlived the primitive stage of development when an illustrious speaker could feel compensated for splitting his throat by four years of poverty-stricken exile at a foreign capital.

I have not a thought of reproach for any of those gentlemen. The laborer is worthy of his reward, and they were laboring honorably in their vocation. I wish merely to state that, in the inevitable working of things, our politics have become a *business*, in which few take a laborious part unless they are paid for it.

The business is extensive and peculiar. It has many branches, and, like other businesses, it cannot be advantageously carried on except by men who possess capital; for our political bosses now engage in operations that require long preparation and large outlay, the result of which is uncertain. They make losses. They also make those losses good. There is a boss in the city of New York who will take a contract for putting a gentleman into Congress. Pay him so much, say, for example, thirty-five thousand dollars, and you may go to sleep for six weeks, wake up, and find yourself member-elect. One of our city members amuses his friends by relating his interview with this contractor, when the sum we have just mentioned was named as the fair price for the work to be done. "Yes," said the boss, "I will do the job for thirty-five thousand dollars, and you shall have no further trouble." These may not be the precise words spoken, but that was their substantial meaning. The client expressed surprise at the amount of the fee demanded. By degrees the contractor dropped to fifteen thousand, and there he remained firm, saying that "the thing could not be done for less." The candidate discovered, by conducting the canvass himself, that the boss had spoken the truth, for his "legitimate and unavoidable expenses" did actually amount to more than fifteen thousand dollars. He would have done well to employ the contractor.

I have had the pleasure of beholding this child of his era. Blame him not. He has grown out of the circumstances of the

case. He is a necessity of the situation. We sometimes see innocent creatures, by having too easy access to masses of rich nutriment, bloated to enormous proportions, even past recognition. Such are the flies called into being on the wharves where sweet-crusted sugar-barrels are landed and lie in rows for many days softening in the sun. Such are the rats in a cheese ship. Such are the hideous things that crawl and swell in the ooze of a slaughter-house. It is not the fault, but the dreadful calamity, of these creatures that they are where they are, and are able to do what they do. They only do, in a rough and wrong way, the work which we ought to have done in a right and civilized way. On just conditions, even Tweed could have been a useful and a faithful servant. He might have served us as dog, not preyed upon us as wolf. In his capacity of wolf, he cost us two or three hundred millions of dollars; when we might have had him as a shaggy, serviceable dog, on strictly reasonable terms: a proper daily bone securely *his* as long as he earned it, and a snug kennel when his working days were over.

We use familiarly this new word, boss. What is a boss? He is simply a man who can get to the polls on election day masses of voters, who care little or nothing for the issues of the campaign, and know of them still less. We may have, for example, in one of our cities, five hundred Italians or Poles, strangers in a strange land, scarcely able to use its language, and totally unacquainted with its politics. One of their number, having some vantage-ground of access to them, assists to get them naturalized, cultivates his influence over them, and acquires, by various arts and devices, the power to dispose of their votes. He, in effect, casts their votes for them, and holds those votes as a commodity to be disposed of for a consideration of some kind. He is a boss. There are as many bosses as there are sets, cliques, and nationalities in a city, all subject to the head-central boss of a political party. Nor is bossism confined to large cities. Wherever there is a mass of unassimilated population, there are sure to arise bosses to marshal, wield, and vote it. In virtuous rural districts, there are men who know where to find, and how to deal with, the men whose principles require them to vote for the candidate that pays their poll-tax. I have had, I say, the opportunity of viewing a boss of national notoriety, as he rode gayly home from Albany in a palace car, surrounded by people who are called

his "friends." He is an improvement on the pugilists and cormorant-thieves of a remoter period; for America is that blest land of the earth where nothing is as it ought to be, and where everything unceasingly improves—even the boss! The Emerald Isle gave him birth; the streets of New York, education. Without flattery he may be called a broth of a boy; tall, straight, ruddy, robust. He even looks handsome, as he stands in the middle of the car surrounded by home-returning members and retainers. Illiterate as he is, he has evidently studied and long practiced the arts by which personal popularity is created and extended. He nods gracious recognition to individuals in the outer ring, and behaves in all respects like the powerful prince he feels himself to be. In the midst of much talk of unknown purport, we hear him say that he would accept no office unless there was "plenty of patronage to it." So many young men, he explains, were devoted to his service that he would not think of "taking anything unless it gave him a chance to take care of *them.*" There are, in truth, political clubs called by his name. To see that brawny and good-tempered Irishman walking abroad in his district, at a time when politics are active, is to get an idea how the chief of a clan strode his native glen when a marauding expedition was on foot. He lives in a handsome house, too, and has more property to his name than any man has ever yet been able to get by legitimate public service in the United States. Observe him sauntering into a corner grog-shop, which immediately fills with a crowd of his retainers. He treats the whole crowd, except alone the individual who pays the money. He will sometimes pass the whole day and evening in treating his district, but he takes care not to drink while he is on duty. One of these gentry, it is true, declined an office, of which the salary was fifty dollars a week, on the ground that such a pitiful sum would not pay for his rum and cigars! He meant the rum and cigars he was obliged to give, *ex-officio*, to his followers.

An ordinary mortal could not successfully hold even a second-rate boss-ship. Talent enough has been developed and trained in that vocation to clean the streets of a great city, provided the doing of *that* was the road to fortune. The boss, as agent and organizer of spoliation, is himself a prey to every minor scoundrel; for at certain seasons he is in a position that makes it perilous to say No, to any living creature. It requires tact, self-possession, and resources of mind to move about among needy

people, an embodied Yes, with a pocket full of money, and yet have some of it left after election. An eminent boss lately remarked to an interviewer: "It takes years of experience in politics to enable a man to guard himself against strikers, and even then he is not altogether safe. In old times they used to get up target companies and clam-bakes, giving candidates the privilege of paying the bills. They go for solid cash now."

Money, money, everywhere in politics; money in prodigal abundance—*except* where it could secure and reward good service to the public: hecatombs for the wolves; precarious and scanty bones for the watch-dogs! That is the spectacle everywhere presented to us. We need not regard the anonymous paragraphs assuring us that it was "the last million" which carried Indiana. Whenever the word million is mentioned, it is the privilege of reasonable beings to become at once incredulous. But how can we set aside the thrice-printed assertion of the present Secretary of State, that the October election in Maine last year was carried by "the application of arguments we could not meet." He meant money. On the other hand, the public was assured that the opposing party "flooded the city of Bangor with money." Experienced politicians evidently regarded the contest as a mere trial of management between two individuals, each having the resources of a national party to draw from. "Blaine," said an angry Republican at the time, "had everything he could desire. Money, speakers, everything was placed at his disposal. He had but to say what he wanted, and he received it. The State has gone Democratic; Blaine *alone* is to blame, and he can't shift the responsibility." We are all, I fear, so hardened to this tone and style of remark, that we have lost the power to feel what a lapse it is from our ideal of government. Whether we accept Mr. Blaine's assertion, or that of his opponents, where are we to place in the political system the people of Maine?

The critical business, we are told, is to get the vote all "in," and it was, perhaps, in that department that Mr. Blaine was wanting. In the adjacent State of New Hampshire, it is computed, four thousand men are brought home every election from distant places to vote "where they keep their trunk." They enjoy a free ride from points as distant as Chicago and Milwaukee. In one of the closely divided localities of that State, we are assured, there is an inn-keeper who is so accommodating as to store away in the garret of his hotel a row of a dozen or so of

empty trunks, each representing a vote, sure to come from some remote place on the day before election.

Two questions must have occurred to non-political persons on learning such facts as are here but slightly indicated: Who furnishes the money for such large expenditures? and, What is the motive of the givers? The sum total is so great as to destroy our claim to possess cheap government. It is doubtful if there has ever been a dearer government than that of the United States, if we reckon politics as one of the items of expenditure. It is not cheap to pay responsible executive officers a precarious pittance per annum, if it costs a million dollars every year or two to change them. It is not cheap to put low-priced men into legislative chambers, if we are also to run a lobby of millionaires. It were useless for a mere disinterested inquirer to try and compute the cost of the last presidential election, since no record was made of many important items, and those who know them are interested in keeping the secret. From the assembling of the conventions at Chicago and Cincinnati to the day of election in November, the expenditure was continuous and profuse. Who provided the money? There is abundant reason to infer that a large portion of it was contributed by individuals and corporate bodies who had something more than a patriotic interest in the result. We know the men who conducted the expenditures. They were not, as a class, holders of offices, nor candidates for office; and it is a thing too obvious that they are not of that rarest order of persons who are capable of prolonged disinterested exertion. There is reason to believe that the Government is coming to be rather an appendage to a circle of wealthy operators than a restraint upon it—a circle that desires to keep the Government weak and manageable, that it may be subservient to their purposes.

The recent explosion in the Post-office Department at Washington still needs elucidation; but attentive readers of the testimony so far called forth can discern the methods employed. We see a dozen men, after corrupting, by petty gifts and "dinners costing from ten to fifty dollars each," a vast number of people, "from governors and senators to messengers and porters," make a liberal contribution to "the expenses of the campaign," and endeavor to purchase in advance the favor and acquiescence of a candidate for the presidency. They appear to have gained nearly a million dollars by their contracts, and to have poured

out half of it in conciliating real and imaginary opposition. If a campaign were running close, such men can still afford to add an extra contribution to the party funds. It is highly probable that an important part of the enormous sums spent last year in electing a President came from persons who had similar reasons for their liberality.

Some of them, in decent gratitude, should have given money by the million, for they made it by the million; and that, not through corruption, but through the inevitable weakness of watch-dogs underfed and insecure, when set to guard saddles of mutton and rounds of beef. Suppose they refrain from the furtive bite (and most of them do), with what moral force can poor and anxious officials, without hold upon their places, defend the people's interest against syndicates of bankers? Three years ago, the Government had still some four-per-cent. bonds for sale, which were going off in moderate amounts to legitimate investors, about as rapidly as they could be conveniently delivered. Suddenly investors are informed that a syndicate in New York had taken all that were left, amounting to a hundred and fifty millions of dollars. The Government had no more of them for sale. The press broke into commendation of this fine stroke of finance; but it did not seem in the least commendable to the ordinary investor of hard-earned money, nor to mothers and children who had been advised to invest a too limited inheritance in Government bonds. The almost immediate increase in the value of the hundred and fifty millions was three per cent., so that a handful of men in New York, London, and elsewhere made a profit of four and a half millions. There was no corruption here. But why this readiness to throw an enormous gain into the laps of men who had already too much, to the disadvantage of the people of the United States? Members of that syndicate could well afford to come down handsomely when an election was in prospect.

Such things inevitably occur in a country where the government grows weaker, while everything else grows stronger,—a country that puts the small man inside the government and leaves the big man outside. Observe what is now taking place in the magnificent prairie lands of the North-west, once the heritage of the people. The secret of America's rapid development is, that a pioneer could get from five to fifteen good crops from the virgin soil of his Government land, with little expense. This has

been the poor man's opportunity, from the beginning of the country's settlement. It has covered a great part of the western world with thriving towns and populous counties. It has been the magnet of attraction to the stalwart immigrant, who found, on his arrival at his little plot of land, that Nature had deposited upon it, for *him*, the accumulated richness of a hundred centuries of growth and decay. He had to do little more than scratch the surface, and put in his seed: In seven years the product of that virgin land paid for his farm, built house and barn, fenced fields, planted an orchard, sent for father and mother, and paid a family quota to the school-house and cabinet organ. At present, rich men are "skinning the prairies" of that virgin wealth, swooping down upon tracts of thirty thousand acres, robbing them of that quality which gave the poor man his chance, and filling the western world with roving laborers, who work on these prodigious farms in the summer, and starve as best they can through the winter. It was government by lobby that authorized that.

It is really interesting to notice the ease with which enormous amounts of money are got for purposes of waste and plunder, and the extreme difficulty with which just and elevated legislation is accomplished. What citizen of New York, for example, a State upon which Nature has lavished all her gifts in imperial profusion, and which is inhabited by as large a proportion of worthy and public-spirited persons as any other province of equal extent in the world—what citizen of New York, I say, has not in his heart accepted the invitation of the Government of Canada to join it in rescuing the shores of Niagara from base disfiguration? No great amount of money would be required: but years pass, and this most obviously right and becoming thing cannot be done. Has the reader seen the new capitol at Albany? Every patriotic son of the Empire State should go upon an expiatory pilgrimage to it, and pass penitential hours in gazing upon its immeasurable iniquities. Whenever I have the pleasure of strolling about beautiful Albany, I am drawn to that accursed and shameful heap of spoil as irresistibly as a floating spar is drawn to a huge and dirty iceberg. Two millions were shot into the cellar of it. A writer in the "American Cyclopedia," halting at the end of a long calculation, can just find breath enough to gasp: "Its ultimate cost can only be conjectured." Few cities were more abundantly supplied with public buildings than Albany; but here in the

midst of them rises this unspeakable pile of stone, so vast that it will require, it is said, two thousand tons of coal a year to keep it warm. The greatest lawgivers and orators the world ever saw, Solon, Lycurgus, Demosthenes, Cicero, were not accommodated as honorable members from the Fourth and Sixth wards are accommodated here. The room in which Chatham spoke, in which Burke delivered immortal speeches, in which Fox, Pitt, and Sheridan debated, to say nothing of the reverberating hall in which Randolph, Calhoun, Clay, Webster, and Preston were so often heard, was beggarly compared with the splendid chambers of this enormous interior. There is only one patriotic thing to do with it. It should be taken down, in contrition and humility, by behest of the people whom it dishonors. The materials should be sold to the best advantage for some useful purpose. The ground should be leveled, and the land respectfully given back to the city that presented it.

The mere interest of the money wasted upon this capitol would give the city of New York clean streets forever.

The inquiry is interesting, too, why the American people, who, in private dealings, are as honest as any people in the world, should exhibit moral weakness when they are acting for the public. There are men in public offices who would not take a postage-stamp from a private individual, and yet, as office-holders, they not only have no conscience, but will frankly avow that they have none. I have heard them do so. According to the historian Mommsen, the noble Romans showed the same peculiarity. Writing of the virtuous period of Roman history, 167 B. C., Mommsen says: "The conscience of the Romans, otherwise in economic matters so scrupulous, showed, so far as the state was concerned, remarkable laxity"; and he quotes, in illustration, the language of Cato, who observed, that "he who stole from a private person ended his days in chains and fetters, while he who stole from the public ended them in gold and purple." Nevertheless, the turpitude of stealing from the public is far greater than stealing from an individual.

Neither the Romans nor the Greeks can teach us much in politics; for their system rested, as ours did till 1861, upon a basis of slavery, and they derived a great part of their revenues from the spoliation of other states. The free citizens, comparatively few in number, had, both in their position and quality, something of the hereditary noble. Our experiment of government

by the whole people, for the whole people, is absolutely original, and we entered upon it only twenty years ago. It devolves now upon the American people to *create* the art of government by the whole people,—government by all the mind we have,—for the good of all the people equally. We have to do this greatest work of the human race with little aid from precedents. We have made a truly wonderful and hopeful beginning, but only a beginning, and we are still obliged to repeat the words of poor Hamilton, spoken in 1789: "The business of America's happiness is still to be done."

We should naturally look to England for some guidance here. We owe very much indeed to that great country for the existence even of our experiment. But the experience of a tight little island does not throw much light upon our continental problem. The people there have little more voice in the selection of governing persons than the people of New York had in the original selection and repeated rëelection of Fernando Wood. There appears to be no such thing in the world as the original selection of candidates by a constituency. Perhaps there never will be. Perhaps it is, in the nature of things, impossible. We can say that in a country which has had a Parliament for eight centuries, not one eminent member of the same was ever selected from the mass of the people and placed in Parliament by a constituency. Forty years ago, the Duke of Newcastle's son took a fancy to a young man recently his fellow-student at Oxford; and the Duke, being in want of a member safe to vote on the Tory side, put that younger son of a Liverpool merchant into Parliament, against the will of his constituents, and over the head of a distinguished lawyer of much parliamentary experience. This outrage, as we should style it, gave the illustrious Gladstone to the British empire. Not long after, the good-natured Marquis of Lansdowne read, with very warm approval, an article in the "Edinburgh Review," written by another merchant's son, T. B. Macaulay. To strengthen the Whig side of the House, the Marquis, by a monstrous abuse of power, gave this young man a seat also. About the same period, Lord Durham, at Lady Blessington's house in London, was struck with the fluent, incisive talk of young Disraeli. It ended with his lordship's lifting the young man, by main strength, into Parliament. Palmerston bought his first seat outright, for five thousand pounds. The great men of the last century owed their seats to similar influences. Edmund Burke was the private secretary

of a great lord, and was placed in Parliament by the exertion of that great lord's will. It were easy to show, by multiplying instances, that the strength and glory of the British Parliament has been due, in every generation, to similar abuses of power. It was for this reason that the Duke of Wellington, as we see by the last volume of his correspondence, opposed all the reform bills of his time. He perceived that nothing had yet been evolved in Europe capable of doing, with reasonable efficiency, what had been done from the beginning of time by the hereditary principle. He did not say, in so many words, that the art of electing had not yet been created; but this was evidently his opinion. He took it for granted that the abolition of rotten boroughs would fill Parliament with rich noodles, to the exclusion of the kind of men who have given to that body much of its efficiency, and all the splendor of its reputation.

"Make me a constitution," said King Murat to Lord Holland. Lord Holland wisely replied: "You might as well ask me to build you a tree." That brave old oak, the realm of Britain, has a growth of a thousand years behind it, and it will continue, as we trust, another thousand years, growing, perfecting, rising, in ever closer alliance and friendship with the United States. But we, too, have to attain real strength by the same slow process of growth. We, too, have to meet evils as they come up, and thus, in our own way, and on our own principles, evolve an art which has as yet no existence—the art of getting by deliberate selection the few men at the summit of affairs who naturally belong there.

The late Mr. Carlyle said many things which now seem to us mere dyspepsia, but there is one idea, to which he returns again and again in all of his works, which is of immortal value. This idea is, that men can only work with success when they work in harmony with unalterable facts. In our governmental affairs, as they stand at this moment, we disregard certain unalterable facts. We have done so, in some degree, from the beginning, but particularly since the public service was suddenly degraded and debauched by Andrew Jackson. Unalterable conditions are now proving too strong for us. One fact of all the life on our planet is, that the strong govern; and this is a fact to which the whole progress of our race is due. In every thousand human beings there are a certain fifty or so who are much abler than the rest. This is equally the case with the apples on a tree, the straw-

berries on a vine, the ants in a hill, and buffaloes in a herd, as with men in a community. This small fifty or so of the strong will always rule the rest. Let us arrange our government as we will; call it a despotism or a commune; from this fact we can never escape. The world is often blessed by the weak; but it is always governed and owned by the strong. All that the nine hundred and fifty can ever do is to limit the power of the strong a little, and compel them to use it with moderation, and in accordance with public law. But the great fact remains forever beyond our altering. Look around: after fifty years of fattening the wolf and starving the dog, we have nearly succeeded in eliminating from public life the natural chiefs of men, who indeeed smile with mild derision at the idea of belonging to it. Government is substantially *left* to the order of men who are capable of squabbling for patronage; and, in many instances, places of importance are filled by dummies. "We find it cheaper," said one of those natural chiefs, "to put men into the legislature, than to make terms with them after they are in."

But do the strong men the less rule us? They govern in and by the lobby. They control railroads. They found and manage huge enterprises. What have they in common with the dirty bar-keepers who fill the places in municipal governments which it was once the reward of a virtuous life-time to possess! They get what they want through the bar-keepers. The lamentable difference is, that the people have no useful and just check upon the capitalists. Their power is limited only as that of the unhappy Czar of Russia is limited—by the knowledge that men who are pressed beyond endurance have now the means of inflicting a terrible vengeance. Men of native force, acting legitimately within a government, clothed with the might and majesty of law, can hold in due restraint the whole body of the strong, and make it even their pride to serve the many. But you cannot get an empire governed by a parcel of ravenous bosses and precarious clerks.

It is, moreover, a very simple but unchangeable fact, that the most legitimate business of politics can only be done by a class that has time and money at its command. "Three wagon-loads of tickets" were "bunched" in Tammany Hall last November, and this was but one concluding item of an expenditure continued for six months, and for which the public makes no provision. Who is to do these huge jobs of bunching? In more primitive times

and lands, nobilities did all the bunching, or had it done; for they alone had the wagons or the time, and upon them devolved, of simple necessity, the whole burden, both of politics and government. They alone had time to attend to public business. With us, as a rule, in dense communities, only bar-keepers have leisure, and it was they who chiefly managed politics until the prodigious profits of the vocation called into being the political boss. The system of hereditary nobility, with all its abuses and absurdities, *was* in sufficient harmony with facts to carry the world along, age after age. That system was a necessity to primitive man, for the reason that primitive man did not, and does not, know how to elect his chiefs. In the early ages, it required the whole industry of a nation to maintain a few hundred families in sufficient ease and abundance for civilization to be created, and those families held the precious charge, as it were, in trust for mankind. Nobilities were long the armed defenders of the community; and, in later periods, by nobilities in state and church, art was sustained, science was advanced, manners were improved, literature was nourished. We can say more even than this: By nobilities the problem of just liberty has been wrought out, so far as it has yet been done. Who extorted Magna Charta? Not a band of anxious peasants. Who resisted Charles I.? It was the noble class who did most that was wise and good in that revolution. Who drew the Habeas Corpus act? An hereditary nobleman. Who expelled James II.? English nobility. Who did most that was wise and humane in the French Revolution? The nobility of France and their immediate circle. The movement began in the *château;* and, in truth, the peasantry lived so near starvation that they had no thought but to submit. Who began, controlled, and directed the American Revolution? The nobility of the American colonies. Washington, Jefferson, Randolph, and the greater number of their colleagues had the three essential qualities of noblemen, namely, native superiority, command of their time, and training in public business. They were as genuine a nobility as ever existed. It *belonged* to them to take care of the public weal, and they were fitted for this sublime vocation by character, by circumstances, and by practice. American nobility, too, made the Constitution of 1787, and it was the relics of that nobility who started the Government, and brought it on with success and glory for the first forty years. And that small class would still be competent to the task, if we could only have

remained three millions of planters, farmers, mechanics, fishermen, and slaves.

"Shall we doubt," said Dr. Franklin, in the Convention of 1787, "finding *three or four men* in all the United States, with public spirit enough to bear sitting in peaceful council, merely to preside over our civil concerns, and see that our laws are duly executed!"

Dr. Franklin was a great man, but he had not the gift of prophecy. He was far from discerning that, before the Constitution was a hundred years of age, that small but competent nobility upon which he relied with so much confidence would be swamped and overwhelmed by a torrent of people, and that all the superior intellect of America would find scope in merely "growing up with the country." He had been himself a man of leisure at the age of forty-two, and there was a small number of such in all the colonies, down to the time when he delivered his speech recommending that the higher offices of government should be unsalaried. His idea was practically adopted. It has been adhered to ever since, in spite of the altered circumstances of the country; for to give a Seward or an Evarts eight thousand dollars a year for being Secretary of State is to get their services for nothing, and charge them thirty thousand dollars a year for the privilege of serving us.

The system of gratuitous service worked ill from the beginning; and it has worked worse every year since. It has proved to be a system of starving the dog and nourishing the wolf. Hamilton and Jefferson, before they had been twelve months in office, were pining to resign because they could not make their salaries do. They did not say so at the time. Public men often have two reasons for their conduct: one is the reason; and the other is the reason they give. In later writings, both of them avow the fact frankly enough. Aaron Burr was not ruined by his duel; he was ruined through being lured away into public life before he had completed his fortune. I will take the liberty of adducing a more recent and familiar instance, for the purpose of showing where our difficulty lies. We have several times, of late years, seen Mr. George W. Curtis gallantly stand forth in defense of principle, in political conventions; and, doubtless, there are many persons in the State of New York who would gladly see him enter public life. What man, indeed, could better serve his State or country, or more worthily

represent them, than one in whom are united public spirit, high culture, high principle, a distinguished and winning personality? Of all the qualifications of a nobleman, he lacks but one; but, alas, that is a fatal lack. He has not the command of his time. He is a member of the most arduous of all professions; for there is no work done in the world which expends vitality so fast as writing for the public. It is a work which is never done. It accompanies a man upon his walks, goes with him to the theater, gets into bed with him, and possesses him in his dreams. If he stoops to kiss his baby, before he has reached the requisite angle, a point occurs to him, and he hangs in mid-air with vacant face and mind distraught. "What's the matter?" says Mrs. Emerson, in the middle of the night, hearing her husband groping about the room. "Nothing, my dear, only an idea!"

Mr. Curtis, I say, stands up before the people of New York to contend for purer politics, through a civil service which shall tend to make the servants of the public safe, dignified, and honorable fathers of families. What is his reward? To be invited to go all over the country making more speeches of the same kind, abandoning his private duties, relinquishing his career, leaving an Easy Chair vacant, which is an easy-chair only to him. It cannot be. In some way, we have to make it *possible* for such men as he to give themselves to the public service. The house of Harper and Brothers, who are wise enough to want Mr. Curtis, have known how to make it possible for him to expend his energies and talents in *their* service; and if the State of New York wants him, the State of New York must outbid the Harpers. This is the decree of eternal justice, which no amount of Fourth of July palaver can alter. In England, when Mr. Cobden was in a similar embarrassment between public and private duty, the liberal party raised four hundred thousand dollars, with which to set him up in business as Public Man. So, also, the Whigs sent Macaulay to India, for the sole purpose of enabling him to secure that fundamental requisite, the command of his time. We have yet to learn how to do such things as these in a better way.

Nor is Mr. Conkling any better off than Mr. Curtis, under our system of starving out the gallant and high-bred dog, and leaving all the rich pickings for the wolf. His profession is less exacting than that of Mr. Curtis, and far more liberally rewarded; but he has had, it is said, at least one escape from death through

attempting to be public man and private man at the same time. Not long ago, I happened to be in the rotunda of the Capitol at Washington when the Senate marched through it, two by two, to join the House of Representatives in their chamber, at the other end of the building. It was painful to see how battered, worn, and shaky many of the Senators were. They had been strong men originally; many of them unusually tall, broad, and massive. They were prematurely infirm, the spring gone from their step, the light from their faces, the innocence and joy from their hearts. I could not but think of Thiers, gay and alert at eighty, full of power, fire, and cheerfulness; of Palmerston, prime minister at eighty-four, coming out of his house early in the morning, and taking a spring over the railings, to find out whether he was beginning to grow old; of Wellington, riding after the hounds at fourscore; of Washington, all day in the saddle to the last week of his life; of Jefferson, so erect and jocund at eighty-two; of Chief-Justice Marshall, merrily playing quoits at Richmond when he was past eighty. Those shaky Senators, among whom it has been almost a distinction not to have had a touch of paralysis, are trying to do three things at once, either of which is a task for a man—namely, statesmanship, politics, and business.

The present time is favorable for the consideration of these topics. Recent events, such as the dead-lock in the Senate, the pitiful war of nominations, the vain struggle of New-Yorkers for clean streets, and the mail-contract exposures, must have made it plain to all but politicians, and even to some of them, that the preliminary step *toward* the development of the art of popular government is to take the public business out of politics! Every disinterested person must now see that the weak point of our present system is the erroneous *tenure* upon which public office is held. Our next task is to make the watch-dog as *sure* of his dinner as the wolf now is, and to make his dinner as good as the wolf's. Better, it could not be; for the wolf riots on the very fat of the land. The task that lies immediately before us is to exalt and protect our servants and legitimate our bosses.

The tenure, I repeat, is the first and chief point to be rectified; for a man will serve, not the power that gave him his place, nor the hand that pays him his wages, but the power that can take his place away! The mode of appointing is important; but the conditions of holding are all-important. If the offices were all sold

by auction to the highest bidder, we should have a good public service, provided the Government exacted the requisite qualifications in the purchaser, and gave him a property in his place, which should be forfeited by misconduct alone. No public service in the world has a more spotless record than the notaries of France, who, for four centuries past, have transacted the every-day law business for the French people, at rates which our cheapest lawyers would despise. Those notaries buy, sell, inherit, and bequeath their places, and have done so for centuries. But the Government imposes three conditions, and performs two duties, all designed to give just protection both to the public and to the notary. The conditions are, that no man can be a licensed notary who has not served a seven-years' apprenticeship to the business, and served for one year as chief clerk to a notary. He is also strictly limited as to the fee he can charge for every service. These are the conditions. If the Government stopped there, it would do as we do—starve the dog and fatten the wolf. It protects these public servants by limiting their number, and by decreeing that no legal document shall have validity unless it is attested by a notary. But all this would not suffice. It remains to protect the public against dishonesty, as well as against incompetency; and this is done by holding the commission of a notary forfeit upon conviction of breach of trust.

There you have a service that necessarily fulfills its purpose, because the system secures adequate fitness and supplies adequate motive. In four centuries, no important breach of trust has been committed in France by a member of the notarial guild, in whose custody rests the whole real estate of France, the honor of its families, and the credit of its business men.

The tenure is the vital point. Add to the right tenure, the principle of paying the market price for all the kinds of labor employed, and we shall have a public service that will cease to be a lowering influence in politics, and add one more liberal profession to the resources and the hopes of virtuous families. The strength of a nation is in its families: well-ordered governments favor the multiplication and building up of families. We may just as well have a hundred thousand strong and happy families maintained by the civil service, as half a million anxious office-holders and demoralized office-seekers. One of the most obvious needs of the time is the strengthening of the class between the capitalist and the operative—the middle class, in

which human nature thrives best and enjoys most. Every one laments the awful, blind power of huge capital run by steam. The most sanguine person must sometimes dread the ever-growing influence of corporations. The only counterpoise to the dead-weight of wealth is the might of living numbers marshaled by an intellectual nobility. It becomes us, therefore, to nourish and strengthen, in every legitimate way, the professions which give men standing, influence, and independence, without the possession of wealth. Literature might be a career among us: it is robbed of its meager gains because it cannot afford lobby enough at Washington to get an international copyright law. The college professors would naturally be a splendid and beloved portion of a true republican nobility: they are frittered away in numberless petty colleges. Teachers, too, share the debilitating consequences of a precarious tenure. Worst of all: the public service, the Government, the natural and only adequate check upon capitalists and corporations, the only way in which the million can make their power effectual against the millionaire, the natural career of young ambition, the field for enlightened public spirit,—this has become the prey of the political boss.

We are going to change all this, and soon. As nobilities have worked out the problem of freedom for us so far, it is noblemen who must still carry it on toward perfection. When I say noblemen, I mean, in particular, men of public spirit who have command of their time. We are beginning to have such a class, and it is beginning to show itself worthily in various directions. It is our singular happiness to live in a country where every good citizen belongs to the aristocracy, and does actually exhibit the traits of character which in older countries are supposed to be peculiar to the privileged orders. It happens, however, that a prodigious number of them are younger sons, who must go out into the world, make a career, and "grow up with the country." I call upon the gentlemen of the Manhattan Club to join the gentlemen of the Union League; I urge similar societies in Boston, Philadelphia, Baltimore, Chicago, Cincinnati, Cleveland, St. Louis, and other cities, to come to an understanding, and agree upon it as the issue of 1884, to give the public service back to the people, and to make the Government respectable by taking just care of the dignity and the career of the public servants. The candidate has made himself obvious to the whole country. He has shown

his faith in a rational civil service by introducing it, and maintaining it for years, in a conspicuous public office.

We have pampered the wolf long enough; let the dog now have a turn. We have tried the system of organized distrust; let us now see what presidents, governors, and mayors will do for us if they are chosen for one long term without eligibility to a second. Elect a mayor of New York for fifteen years; pay him a two-hundredth part of what Tweed stole per annum, clothe him with adequate power, hold him responsible, surround him with honorable conditions, and circumstances; and, when he has done his work, let us dismiss him to private life as well off as if he had succeeded in the grocery line. Let him retire from office honored and rich. Let Congress build suitable houses for the cabinet and judges, multiply their incomes by four, and no longer permit a Secretary of State to pay for the dinners given to the diplomatic corps, the guests of the nation. Let us in all respects reverse the system introduced by small men for small purposes, and try faithfully that of giving the public servants as fair a chance for distinction and abundance as private business offers.

That close observer of men and things, Governor Burnett, of California, expresses once more, in his "Recollections of an Old Pioneer," his deliberate conviction that "the masses will never permit a sound conservative amendment of our theory, except by revolution," which he thinks will occur within the next fifty years. He thinks it probable that several revolutions will be necessary before we get upon a comfortable basis. I hope for better things. The victorious Democratic party of 1800, which saved the country from its first great peril, and ruled the country for twenty-eight years better than any country had ever been ruled before (though that is not saying much), was composed of three ingredients, which still exist among us in the richest profusion, and which can again be united to carry any good measures that are in harmony with the inalienable rights of human nature. Those ingredients were: First, the large, benign, serene Jefferson, and a small circle of kindred philosophers, who, from mere native superiority, from simple nobility of mind, *loved* the common welfare; next to them, adroit managers, chief of whom in 1800 was Aaron Burr; finally, the masses of the people, absorbed in their private affairs, but open to conviction, and capable of appreciating, after due presentation, any "amend-

ment of our theory" which shall be truly "sound." These ingredients can again be brought together for a patriotic purpose, and the work can be done during the next three years by men of leisure. Let them do their duty, and the masses will never be wanting to theirs. They have never been wanting hitherto. The part of a busy people in republican politics is similar to that of the jury in a court of justice, and it never can be much other than that. The people is master. The verdict of the jury is law; but the proper presentation of the Case devolves on the few.

JAMES PARTON.

THE COMMON SENSE OF TAXATION.

It may seem like a truism to assert that the only fund upon which taxation can draw is that made up by the produce of the community, and that to multiply the places at which it is tapped is not to increase its capacity to yield. Yet the manner in which taxation, under our system, is spread over a multitude of subjects, and new subjects are still sought for, suggests the belief of that chief of the eunuchs who thought the weight of an obnoxious poll-tax might be lessened, and his master's revenues at the same time increased, by substituting for the tax on heads a tax upon fingers and toes.

But it is probable that the disposition to tax everything susceptible of taxation does not spring so much from the notion that more may thus be obtained, as from the notion that as a matter of justice everything should be taxed. That all species of property shall be equally taxed, is enjoined by many of our State constitutions, and that it should be so, at least so far as direct taxation is concerned, is regarded by most of our people as a self-evident truth—the idea being that every one should contribute to public expenses in proportion to his means, or, as it is sometimes phrased, that all property, being equally protected by the State, should equally contribute to the expenses of the State.

But under no system that any of our legislatures have yet been able to devise is all property equally taxed; nor can it be equally taxed. And if it were possible to even approximate to the equal taxation of all property, this would not be to secure that equality which justice demands. For, as is evident in the case of mortgages, etc., to equally tax all property would infallibly be to levy a higher rate of taxation upon some than upon others; and even if the same proportion could be taken from the means of every member of the community, that would

no more conform to the dictates of equality than would the levy upon each of an equal sum; for, as the demand for a sum which would not be felt by the rich man would fall with crushing weight on the poor man, so to take the same proportion of their means would be a very different thing to him who has barely enough, and to him who has a large surplus.

Quite as fallacious is the idea that all property should be equally taxed, because equally protected. The fact is that all property is not equally protected, cannot be equally protected, and ought not to be equally protected, if by protection anything more is meant than the mere preservation of the peace. The protection of property is not the end, it is only one of the incidents, of government. As John Stuart Mill says: "The ends of government are as comprehensive as those of the social union. They consist of all the good and all the immunity from evil which the existence of government can be made, either directly or indirectly, to bestow." And to say that government should impartially protect and equally tax all property, is like saying that the farmer should bestow the same care upon everything he may find growing in his fields, whether weeds or grain.

That there is no obligation to equally tax all property is fully realized in regard to property brought from abroad. No one contends for a tariff which should equally tax all such property. The protectionists assert that the leading idea in determining what should be taxed and what not taxed, and the different rates which various imports should bear, ought to be the promotion of the general good by the encouragement and protection of industry. Their opponents, on the other hand, do not deny the propriety of such exemptions and discriminations. They merely deny that industry can be protected and encouraged by the endeavor to shield certain classes of producers from foreign competition; and, in the enactment of a purely revenue tariff, they would make the same kind of exemptions and discriminations, with a view to the collection of the revenue with the smallest cost and least interference with trade. Both parties equally recognize the general good as the true guiding principle in taxation of this kind.

Even in internal taxation the same principle is largely recognized. On certain businesses and certain manufactures we impose taxes not imposed upon others, on the ground that it is for the public good that such businesses and manufactures should

be restricted. With similar regard to the public good, we exempt certain species of property from taxation, as cotton factories in Georgia, growing crops in California, property devoted to religious and charitable uses in New York, the bonds of the United States, by Federal law, etc.

Evidently this regard for the general good is the true principle of taxation. The more it is examined the more clearly it will be seen that there is no valid reason why we should, in any case, attempt to tax all property. That equality should be the rule and aim of taxation is true, and this for the reason given in the Declaration of Independence, "that all men are created equal." But equality does not require that all men should be taxed alike, or that all things should be taxed alike. It merely requires that whatever taxes are imposed shall be equally imposed upon the persons or things in like conditions or situations; it merely requires that no citizen shall be given an advantage, or put at a disadvantage, as compared with other citizens.

The true purposes of government are well stated in the preamble to the Constitution of the United States, as they are in the Declaration of Independence. To insure the general peace, to promote the general welfare, to secure to each individual the inalienable rights to life, liberty, and the pursuit of happiness—these are the proper ends of government, and are therefore the ends which in every scheme of taxation should be kept in mind.

As to amount of taxation, there is no principle which imposes any arbitrary limit. Heavy taxation is better for any community than light taxation, if the increased revenue be used in doing by public agencies things which could not be done, or could not be as well and economically done, by private agencies. Taxes could be lightened in the city of New York by dispensing with street-lamps and disbanding the police force. But would a reduction in taxation gained in this way be for the benefit of the people of New York and make New York a more desirable place to live in? Or if it should be found that heat and light could be conducted through the streets at public expense and supplied to each house at but a small fraction of the cost of supplying them by individual effort, or that the city railroads could be run at public expense so as to give every one transportation at very much less than it now costs the average resident, the increased taxation necessary for these purposes would not be increased burden, and in spite of the larger taxation required, New York would become

a more desirable place to live in. It is a mistake to condemn taxation as bad merely because it is high; it is a mistake to impose by constitutional provision, as in many of our States has been advocated, and in some of our States has been done, any restriction upon the amount of taxation. A restriction upon the incurring of public indebtedness is another matter. In nothing is the far-reaching statesmanship of Jefferson more clearly shown than in his proposition that all public obligations should be deemed void after a certain brief term—a proposition which he grounds upon the self-evident truth that the earth belongs in usufruct to the living, and that the dead have no control over it, and can give no title to any part of it. But restriction upon public debts is a very different thing from restriction upon the power of taxation, and reasons which urge the one do not apply to the other. Nor is increased taxation necessarily proof of governmental extravagance. Increase in taxation is in the order of social development, for the reason that social development tends to the doing of things collectively that in a ruder state are done individually, to the giving to government of new functions and the imposing of new duties. Our public schools and libraries and parks, our signal service and fish commissions and agricultural bureaus and grasshopper investigations, are evidences of this.

But while no limit can be properly fixed for the amount of taxation, the method of taxation is of supreme importance. A horse may be anchored by fastening to his bridle a weight which he will not feel when carried in a buggy behind him. The best ship may be made utterly unseaworthy by the bad stowage of a cargo which properly placed would make her the stiffer and more weatherly. So enterprise may be palsied, industry crushed, accumulation prevented, and a prosperous country turned into a desert, by taxation which rightly levied would hardly be felt.

Now discarding all idea that there rests upon us any obligation to equally tax all kinds of property, and assuming for our guidance the true rule, that taxation should be levied with a view to the promotion of the general prosperity, the securing of substantial equality, and the recognition of inalienable rights, let us consider upon what species of property it may be best laid.

To consider what is included in the category of property is to see the absurdity of saying that all property should be equally taxed. For not to speak of minor differences that arise from application and use, there are commonly included

under this term things of essentially different nature. Whatever is recognized by municipal law as subject to ownership is property. But between things thus classed together are wide differences. In the first place, there are certain of them which have in themselves no value, but are merely the representatives or doubles of property in itself valuable. Such are stocks, bonds, mortgages, promissory notes of all kinds, whether made by individuals or issued by governments to serve as money, solvent debts, book-accounts, etc. These things may be to the individual valuable property, and are correctly included in any estimate of his wealth. But they are no part of the wealth of the community. Their increase does not make the community a whit the richer; and they may be utterly destroyed without the community becoming a whit the poorer. If I buy a horse, giving my note for the amount, the result of the transaction (supposing me to be solvent) is that the seller gets property to the value of the horse, while I get the horse. But there has been no increase in wealth. To the seller, my note may be quite as good as the horse, and in estimating his wealth it may be as properly included as the horse; but if the note be destroyed, the community is nothing the poorer, while if the horse break his neck, there is a lessening of the general wealth by one horse. And so, the issuance of bonds by a government, or the watering of stock by a corporation, can in no wise increase the general sum of wealth, nor will any diminution either in the amount or in the selling price of such bonds or stock reduce it. If all the governments of the world were to repudiate their debts to-morrow, an immense amount of property, now carefully guarded, would become waste paper, and thousands of people now rich would be made poor, but the wealth of the human race would not be diminished one iota.

These are truisms. Yet so wide-spread and persistent is the notion that all property should be taxed, that they are generally ignored. Nothing is clearer than that when a farmer who wants more capital puts a mortgage on his farm, no new value is thereby created. Yet, in most of our States, both the farm and the mortgage are taxed; though so obvious is the double taxation that in some of them the clumsy expedient of making an exemption to the debtor is resorted to.

But it is manifest that property of this kind is not a fit subject for taxation, and ought not to be considered in making up the assessment rolls. It has, in itself, no value. It is merely the

representative, or token, of value—the certificate of ownership, or the obligation to pay value. It either represents other property, or property yet to be brought into existence. And, as nothing real can be drawn from that which is not real, taxation upon property of this kind must ultimately fall, either upon the property represented, in which case there is double taxation, or upon those whose obligations it expresses, in which case men are taxed, not upon what they own, but upon what they owe; and all cumbrous devices to prevent the unjust effects of such taxation, like other complications of the revenue system, simply give to the stronger and more unscrupulous opportunities of throwing the burden upon the weaker and more conscientious. Property of this kind ought not to be taxed at all. Property in itself valuable is clearly that with which any wise scheme of taxation should alone deal.

To consider the nature of property of this kind is again to see a clear distinction. That distinction is not, as the lawyers have it, between movables and immovables, between personal property and real estate. The true distinction is between property which is, and property which is not, the result of human labor; or, to use the terms of political economy, between land and wealth. For, in any precise use of the term, land is not wealth, any more than labor is wealth. Land and labor are the factors of production. Wealth is such result of their union as retains the capacity of ministering to human desire. A lot and the house which stands upon it are alike property, alike have a tangible value, and are alike classed as real estate. But there are between them the most essential differences. The one is the free gift of Nature, the other the result of human exertion; the one exists from generation to generation, while men come and go; the other is constantly tending to decay, and can only be preserved by continual exertion. To the one, the right of exclusive possession, which makes it individual property, can, like the right of property in slaves, be traced to nothing but municipal law; to the other, the right of exclusive property springs clearly from those natural relations which are among the primary perceptions of the human mind. Nor are these mere abstract distinctions. They are distinctions of the first importance in determining what should and what should not be taxed.

For, keeping in mind the fact that all wealth is the result of human exertion, it is clearly seen that, having in view the promo-

tion of the general prosperity, it is the height of absurdity to tax wealth for purposes of revenue while there remains, unexhausted by taxation, any value attaching to land. We may tax land values as much as we please, without in the slightest degree lessening the amount of land, or the capabilities of land, or the inducement to use land. But we cannot tax wealth without lessening the inducement to the production of wealth, and decreasing the amount of wealth. We might take the whole value of land in taxation, so as to make the ownership of land worth nothing, and the land would still remain, and be as useful as before. The effect would be to throw land open to users free of price, and thus to increase its capabilities, which are brought out by increased population. But impose anything like such taxation upon wealth, and the inducement to the production of wealth would be gone. Movable wealth would be hidden or carried off, immovable wealth would be suffered to go to decay, and where was prosperity would soon be the silence of desolation.

And the reason of this difference is clear. The possession of wealth is the inducement to the exertion necessary to the production and maintenance of wealth. Men do not work for the pleasure of working, but to get the things their work will give them. And to tax the things that are produced by exertion is to lessen the inducement to exertion. But over and above the benefit to the possessor, which is the stimulating motive to the production of wealth, there is a benefit to the community, for no matter how selfish he may be, it is utterly impossible for any one to entirely keep to himself the benefit of any desirable thing he may possess. These diffused benefits when localized give value to land, and this may be taxed without in any wise diminishing the incentive to production.

To illustrate: A man builds a fine house or large factory in a poorly improved neighborhood. To tax this building and its adjuncts is to make him pay for his enterprise and expenditure—to take from him part of his natural reward. But the improvement thus made has given new beauty or life to the neighborhood, making it a more desirable place than before for the erection of other houses or factories, and additional value is given to land all about. Now to tax improvements is not only to deprive of his proper reward the man who has made the improvement, but it is to deter others from making similar improvements. But, instead of taxing improvements, to tax these land values is

to leave the natural inducement to further improvement in full force, and at the same time to keep down an obstacle to further improvement, which, under the present system, improvement itself tends to raise. For the advance of land values which follows improvement, and even the expectation of improvement, makes further improvement more costly.

See how unjust and short-sighted is this system. Here is a man who, gathering what little capital he can, and taking his family, starts West to find a place where he can make himself a home. He must travel long distances; for, though he will pass plenty of land nobody is using, it is held at prices too high for him. Finally he will go no further, and selects a place where, since the creation of the world, the soil, so far as we know, has never felt a plowshare. But here, too, in nine cases out of ten, he will find the speculator has been ahead of him, for the speculator moves quicker, and has superior means of information to the emigrant. Before he can put this land to the use for which nature intended it, and to which it is for the general good that it should be put, he must make terms with some man who in all probability never saw the land, and never dreamed of using it, and who, it may be, resides in some city, thousands of miles away. In order to get permission to use this land, he must give up a large part of the little capital which is seed-wheat to him, and perhaps in addition mortgage his future labor for years. Still he goes to work: he works himself, and his wife works, and his children work—work like horses, and live in the hardest and dreariest manner. Such a man deserves encouragement, not discouragement; but on him taxation falls with peculiar severity. Almost everything that he has to buy—groceries, clothing, tools—is largely raised in price by a system of tariff taxation which cannot add to the price of the grain or hogs or cattle that he has to sell. And when the assessor comes around he is taxed on the improvements he has made, although these improvements have added not only to the value of surrounding land, but even to the value of land in distant commercial centers. Not merely this, but, as a general rule, his land, irrespective of the improvements, will be assessed at a higher rate than unimproved land around it, on the ground that "productive property" ought to pay more than "unproductive property"—a principle just the reverse of the correct one, for the man who makes land productive adds to the general prosperity, while the man who keeps

land unproductive stands in the way of the general prosperity, is but a dog-in-the-manger, who prevents others from using what he will not use himself.

Or, take the case of the railroads. That railroads are a public benefit no one will dispute. We want more railroads, and want them to reduce their fares and freight. Why then should we tax them? for taxes upon railroads deter from railroad building, and compel higher charges. Instead of taxing the railroads, is it not clear that we should rather tax the increased value which they give to land? To tax railroads is to check railroad building, to reduce profits, and compel higher rates; to tax the value they give to land is to increase railroad business and permit lower rates. The elevated railroads, for instance, have opened to the overcrowded population of New York the wide, vacant spaces of the upper part of the island. But this great public benefit is neutralized by the rise in land values. Because these vacant lots can be reached more cheaply and quickly, their owners demand more for them, and so the public gain in one way is offset in another, while the roads lose the business they would get were not building checked by the high prices demanded for lots. The increase of land values, which the elevated roads have caused, is not merely no advantage to them—it is an injury; and it is clearly a public injury. The elevated railroads ought not to be taxed. The more profit they make, with the better conscience can they be asked to still further reduce fares. It is the increased land values which they have created that ought to be taxed, for taxing them will give the public the full benefit of cheap fares.

So with railroads everywhere. And so not alone with railroads, but with all industrial enterprises. So long as we consider that community most prosperous which increases most rapidly in wealth, so long is it the height of absurdity for us to tax wealth in any of its beneficial forms. We should tax what we want to repress, not what we want to encourage. We should tax that which results from the general prosperity, not that which conduces to it. It is the increase of population, the extension of cultivation, the manufacture of goods, the building of houses and ships and railroads, the accumulation of capital, and the growth of commerce that add to the value of land—not the increase in the value of land that induces the increase of populalation and increase of wealth. It is not that the land of Man-

hattan Island is now worth hundreds of millions where, in the time of the early Dutch settlers, it was only worth dollars, that there are on it now so many more people, and so much more wealth. It is because of the increase of population and the increase of wealth that the value of the land has so much increased. Increase of land values tends of itself to repel population and prevent improvement. And thus the taxation of land values, unlike taxation of other property, does not tend to prevent the increase of wealth, but rather to stimulate it. It is the taking of the golden egg, not the choking of the goose that lays it.

Every consideration of policy and ethics squares with this conclusion. The tax upon land values is the most economically perfect of all taxes. It does not raise prices; it may be collected at least cost, and with the utmost ease and certainty; it leaves in full strength all the springs of production; and, above all, it consorts with the truest equality and the highest justice. For, to take for the common purposes of the community that value which results from the growth of the community, and to free industry and enterprise and thrift from burden and restraint, is to leave to each that which he fairly earns, and to assert the first and most comprehensive of equal rights—the equal right of all to the land on which, and from which, all must live.

Thus it is that the scheme of taxation which conduces to the greatest production is also that which conduces to the fairest distribution, and that in the proper adjustment of taxation lies not merely the possibility of enormously increasing the general wealth, but the solution of these pressing social and political problems which spring from unnatural inequality in the distribution of wealth.

"There is," says M. de Laveleye, in concluding that work in which he shows that the first perceptions of mankind have everywhere recognized a most vital distinction between property in land and property which results from labor,—"there is in human affairs one system which is the best; it is not that system which always exists, otherwise why should we desire to change it; but it is that system which should exist for the greatest good of humanity. God knows it, and wills it; man's duty it is to discover and establish it."

HENRY GEORGE.

THE COST OF CRUELTY.

In the winter of 1872, an epizoötic disease made its appearance among the horses in New York and in sundry other cities throughout the United States, producing almost a panic among the human inhabitants. It may be asserted that, up to that time, the value of the horse was imperfectly comprehended; but an impressive lesson was then given. In the city of New York, it is estimated that two-thirds of all the horses were stricken down with the disease; and all branches of business, all pursuits and pleasures dependent on that animal, were brought almost to a stand-still. For the moment the locomotion of the city's vast population was in great part arrested, the overcrowded public vehicles, few in number, being slowly drawn along by poor, stricken brutes with aching limbs and failing strength: scarcely one of those faithful servants of man was to be seen that did not proclaim, by unmistakable signs, its silent agony. The hospitals of the great transportation companies were filled with diseased and dying animals, while without lay the carcasses of the dead victims awaiting removal. The people of this city, State, and country then began to recognize the startling probability of the total retirement of those silent partners from the businesses to which they had devoted their active lives.

That many species of the lower animals, and particularly the one most indispensable to man—the horse, habitually receive a treatment to which the owner would never think of subjecting his insentient and inanimate property, is matter of every-day observation. While the farmer's wagon or his plow is carefully protected from winter's storms, his ill-used stock are often exposed to those rude vicissitudes of temperature whose disintegrating force not even inorganic nature can withstand. Nor is this singular and heartless inconsistency confined to the less

educated tillers of the soil: in the great cities of the world, cruelties no less culpable are practiced continually, and that, too, by the rich, the educated, and the refined. The millionaire merchant, inconsiderately submitting his own more enlightened judgment to the ignorance and selfishness of his indolent groom, permits the furry coat that nature provides for his horses to be clipped off their bodies, under the monstrous and impious pretense that their Creator blundered in giving a heavier covering to His creatures on the approach of winter. The gross ignorance of these quacks of the stable passes for oracular wisdom, and men who should know better are not ashamed to give assent to the absurd theory on which the inhuman practice is based, viz.: that by clipping the hair the condensation of the body's exhalations on the surface is prevented, and the bodily heat maintained! Well, what is the result of this tampering with the laws of Nature? It is invariably shortened life, suffering, and waste of power—and pence.

"But," interposes the otherwise considerate beauty, as she languidly looks out of her carriage window on her disfigured animals, "how beautiful they are, denuded of their superfluous and ugly coating!" It is imperious fashion alone that has warped her judgment. She is herself wrapped in furs, while outside are seated her biped servants, almost smothered in the skins of animals, the uselessness of which is one of the articles of the men's creed! But it requires no expert in physiology to determine the truth or the falsity of this theory of the stable. You have only to go out into the open air, without coat or vest, when the thermometer indicates zero, to put it to the proof.

In all probability, ages will have come and gone ere Americans will understand the practical signification of Economy. The vast inheritance of land, liberty, and plenty that they enjoy makes them wasteful of the gifts of Nature, wasteful of the life and strength of the animals which subserve their interest or minister to their enjoyment. "Horses are cheaper than oats," once observed the manager of one of the great horse-railroad lines of this city; and perhaps that purely financial estimate of the horse best shows how inconsiderable a factor humanity to animals is in our current moral arithmetic. But are men, "honorable men," wont to act upon the principle that "horses are cheaper than oats"? Let facts decide.

The writer, several years ago, was led to suspect the existence of an odious traffic, on the discovery of a business connection between a certain grist-mill on the west side of the city, and another mill on the east side, in which plaster of Paris and marble-dust were prepared. The problem of finding out what possible relation could subsist between the two businesses piqued his curiosity, and, after much patient investigation, he learned that in many stables of the city the products of the two concerns were employed as a cheap and satisfying food for horses! The investigation having been pushed still further, with a view to ascertain the life-sustaining qualities of this extraordinary aliment, by examining the stomachs of animals that had lived —or rather died—on it, the result proved that, as was to be expected, only the vegetable portion of the mixture had been digested, and that the inorganic portion had assumed the form and compactness of stone balls, many of them of enormous size. "I asked for bread, and ye gave me a stone!" Some of these calcareous formations are yet to be seen in the Museum of the Society for the Prevention of Cruelty to Animals, through whose intervention a stop was put to this inhuman practice.

And observe the inconsistency of men. Among all those who are directly interested in the business of transporting the public from place to place about the city, there is probably not one who would not experience a lively feeling of indignation, were he to see a horse quivering under the blows of an angry truck-driver; yet the same man will take no shame to himself for his own greater offense, in denying to his faithful servants—his horses —that sufficiency of healthful nourishment without which they suffer and die, and even his own pecuniary profits are diminished.

The author regrets that in this paper he is unable to give the statistics of live stock in the United States, as compiled for the forthcoming Census Report, and that he can exhibit the loss occasioned by cruelty to animals only by the tables of the census of 1870.

In that year, the value of live stock in this country was $1,525,276,457, and we had of

Horses	7,145,370 head.	Other cattle	13,566,000 head.
Mules and asses	1,125,415 "	Sheep	28,477,951 "
Milch cows	8,935,332 "	Swine	25,134,569 "
Working oxen	1,319,270 "		

or more than eighty-five millions of animals contributing in one way or another to the daily support and enrichment of the people of this country. Of animal products there were, in the same year, of

Butter	600,000,000 pounds.	Wool	100,102,000 pounds.
Cheese	53,000,000 "	Honey	14,700,000 "
Milk	236,000,000 gallons.	Beeswax	631,000 "

The animals slaughtered or sold for slaughter were worth $400,000,000, and there were 9,133,000 sides of leather tanned, and 4,185,000 skins—total value, $13,800,000. Then, our fisheries, exclusive of the whale fishery, yielded over $11,000,000.

Let us now make an approximate valuation of the labor of the horses, mules, asses, and oxen. Of these animals there were 9,610,000, and if we estimate their labor at only fifty cents a day, we have the stupendous total of $4,805,000 as the daily product. But more, much more, remains to be added before we have an adequate idea of our dependence on the lower animals. For instance, we must take account of the number of eggs laid by domestic fowls, also the chickens, ducks, geese, turkeys, together with their feathers. Nor must we forget the millions of "game" annually killed, the slaughter of great herds of buffaloes on the plains and of deer in the forests.

What a delusion it is to fancy that *we* are the sole agents in the work of civilization! What would become of civilization were we only for a single year deprived of the aid afforded us by these inferior creatures? All commerce and agriculture would have to be suspended; the farmer could neither till his field nor carry his products to market; in a word, could an earthquake or a deluge be more disastrous in its effects?

Now, is it not to be supposed that those who deal in the flesh and blood, the hides and hoofs, of animals brought from a great distance by rail, would use the best appliances to be had to prevent deterioration and death? Yet a visit to any cattle-train proves the erroneousness of such an inference. From the moment when the wretched animals are, by the force of blows, driven into the torture-pens that are to serve as vehicles to convey them to the *abattoirs* in the East, they know no rest. Seldom is adequate provision made for supplying them with food

and water. In short, if the poor brutes have any glimmering of reason, they must wonder why they are thus doomed, without being guilty of offense to God or man, to endure such unspeakable torment. Hardly a cattle-train arrives but it presents cases of painful death. Horned cattle are found lying on the floors, their limbs crushed, sometimes their bodies flattened out by the tramping of their fellows in misfortune; while among the smaller animals—sheep and swine—the mortality from overcrowding, neglect, and inhumanity is greater still. It were an insult to common sense to ask whether such treatment of animals *pays*.

But the laws of Nature cannot be violated with impunity, and the flesh of the abused brute carries to the lips of men, and into their blood, deadly poisons; thus the poor mute slaves are avenged at last. May not the alarming increase of cancers, tumors, and scrofulous diseases be traced to this disregard of the simplest principles of humanity?

For years, the societies founded for the prevention of cruelty to animals have been striving to procure the passage, by Congress, of laws which would abate these evils, but all their efforts have been vain, being opposed by the powerful influence of wealthy corporations. Once a delegation from the societies was granted a hearing by the House Committee on Agriculture, but the railroad lobby was opposed to any action in the premises, and the subject was dropped.

In the Senate, the Hon. John R. McPherson, of New Jersey, on the 26th of May, 1879, exposed the pecuniary losses, as well as the danger to the public health, resulting from the present mode of transporting cattle. "With an experience," he said, "and opportunity for observation second to none in this country, I declare the live-stock traffic is one long and uninterrupted line of suffering from the West to the East. If the people could have but a glimpse of the scenes which I have witnessed, they would loudly demand of Congress a law so stringent that the repetition of such horrors would be impossible."

But no adequate law seems to be attainable; so man and beast must continue to suffer in order to increase the profits of the money kings. One inference would seem to be fully justified, namely, that the profits of the shippers of stock must be enormous to enable them to bear such losses as are shown in the following table, compiled from divers official reports.

In 1872, there arrived in

	Cattle.	Sheep.	Hogs.
Washington	39,400 head.	52,000 head.	31,200 head.
Baltimore	89,748 "	180,228 "	303,284 "
Philadelphia	129,373 "	627,645 "	261,549 "
New York	443,437 "	1,203,059 "	1,826,686 "
Albany	104,000 "	364,000 "	350,000 "
Providence	37,000 "	93,000 "	100,000 "
Boston	157,366 "	412,217 "	592,727 "
Total	1,000,324 head.	2,932,149 head.	3,465,446 head.

The loss on cattle by "shrinkage" is variously estimated. Professor Horsford reckons it at about 14 per cent.; the Massachusetts Railroad Commission, at from 10 to 15 per cent.; and the Massachusetts Society for the Prevention of Cruelty to Animals, at 10 per cent. Butchers, drovers, and dealers—all of course interested parties—put it at 8 per cent. But, assuming a standard of 8 per cent., let us see what is the commercial result of this phase of barbarity.

On the arrival at the Albany stock-yards, the average loss in weight on each ox is 120 pounds—a sum total of 120,038,880 pounds of beef starved, crushed, goaded, and jolted out of the cattle brought to the above seven cities.

According to the estimate of drovers, that the loss on sheep and hogs is 15 pounds a head, the loss on 2,932,149 sheep amounts to 43,982,235 pounds; and on 3,465,446 hogs it is 51,981,690 pounds. Now, estimating the price of beef at 25 cents per pound, the loss from a "shrinkage" of 120,038,880 pounds would be $30,009,720; a loss of 43,982,235 pounds of mutton, at 17 cents per pound, amounts to $7,476,980; and a loss of 51,981,690 pounds of pork, at 12 cents per pound, is $6,237,802. Finally, if we fix the average value of the hides at 65 cents each, the loss in them will be $650,210. Thus we find:

Loss in Beef	$30,009,720
" Mutton	7,476,980
" Pork	6,237,802
" Hides	650,210
Total	$44,374,712

This is the actual yearly loss on but four articles of commerce entering only seven of our markets. What an exhibit of

deliberate crime and waste, which, it seems, cannot be suppressed or even diminished, because of the despotic power of the tyrant of the age we live in—King Railroad! And be it remembered that a large proportion of the decomposing carcasses is converted into human food.

I have enumerated only a few of the benefits conferred upon our race by the lower animals. I have made figures, more eloquent than words, tell the value of humanity to these humble servitors of man. That lesson of humanity to the lower animals should be enforced in the counting-house, as well as in the nursery, the school, and the lecture-room, in the courts of justice, and in the pulpit. Above all, we must invoke the potent influence of the Press to advocate pity, mercy, and compassion in all our dealings with animals.

HENRY BERGH.

A STUDY OF TENNYSON.

WHEN the literary history of England in the nineteenth century shall be written, the name of the Rev. George Clayton Tennyson will have a higher place among the fathers of its men of genius than that of any other Englishman whom I remember. A man of many accomplishments,—if we may credit tradition, which says that he was skilled in poetry, painting, architecture, and music, as well as mathematics and the classical languages,—he was the father of three boys, who now rank among the English poets—one by the divine right of genius, two by the courtesy of criticism. Their names were Frederick, Charles, and Alfred Tennyson,—Frederick, the elder, being born in or about 1806, Charles in 1808, and Alfred in 1809. Carefully educated in the parsonage of their good father,—who was rector of Somerby, in Lincolnshire,—they were sent in turn to Trinity College, Cambridge, where they were pupils of Dr. Whewell, whom the young Thackeray described as the gentleman whose name you whistle, and of whom a more savage wit declared that science was his forte and omniscience his foible. Leigh Hunt characterized the Tennyson family as a nest of nightingales, and he might have added that two of its young fledgelings essayed their first songs side by side in the little provincial town of Louth. "Poems by Two Brothers"—the brothers being Charles and Alfred Tennyson—was printed in the spring of 1827. How much or how little attention they attracted, I am not prepared to say; but, judging from the reprint of the volume which contains them, it could not have been much. They certainly deserved none. I have read a great many first volumes of verse, but not one in which there was so little promise as this. It was not so much that it was bad as that it was dull. If it could have been ridiculed, it might have been read; but its dullness was not of the

kind that provokes ridicule. It was oppressive, and the more so because it was free from the errors of taste that we look for in young poets. It was irritatingly correct in form and expression, and noticeably ambitious in its choice of subjects. There were attempts to embody such abstractions and emotions as Memory, Remorse, Fancy, Deity, Time, and so on; attempts to grapple with classical suggestions that hover around the memories of Antony and Cleopatra, Mithridates and Berenice, and Apollonius Rhodius; attempts to discover the poetic phases of Persia, Egypt, Babylon, Hindostan, Greece, Switzerland, and Peru; and an attempt to celebrate Lord Byron, who had died about three years before in the swamps of Missolonghi. That Byron was a favorite with the two brothers was evident from the tone of some of their verses, and from the quotations from his works, with which their pages were besprinkled. As might have been expected from the literary practice of the time, there was a parade of authorities in their mottoes and notes. The names of Virgil, Horace, Ovid, Juvenal, Claudian, Sallust, and Cicero, for instance, showed their acquaintance with Latin literature; the names of Milton, Addison, Young, Gray, Beattie, Cowper, Hume, and Burke, their acquaintance with English literature; and the names of Racine, Rousseau, Berquin, and Don Manuel de Souza Coutino, their acquaintance with French and Spanish literature. Not one of the hundred and odd poems in the volume rose above mediocrity, or evinced personality. The brothers were as like as two peas.

We hear no more of the Tennysons until the following year (1828), when Frederick gained a college prize for a Greek poem, after which he disappeared until 1854, when he published a volume of verse entitled "Days and Hours," and was thenceforth lost to critical eyes. Charles and Alfred pursued their studies until 1830, when they came before the world again in print, no longer in partnership, as in their first venture, but separately—Charles with a little book of sonnets, and Alfred with a little book of lyrical poems. Their claims to the laurel were now recognizable, especially the claim of Alfred, who had discovered the genius with which he was endowed, and was cultivating it with infinite pains. His first essays were in blank verse, the laws of which he studied carefully, groping his way through its difficulties in a direction of his own. Inspired by Boccaccio, he began to tell "The Lover's Tale," but broke down before he finished

it, the task being beyond his powers, though he would not think so for a long time. He printed two of the three parts of which the fragment then consisted, and finally concluded to suppress them. The suppression was not so absolute as he intended it to be, for one of his friends, who, boy-like, admired the boy's work, distributed several copies of the poem among their common friends, without his knowledge, and thereby perpetuated its existence. When the writer had become famous, piratical reprints forced him to reprint it himself, fifty-one years after it was written, with a fourth and concluding part, entitled "The Golden Supper."

"The Lover's Tale" is a remarkable work for a boy of nineteen, but he was wise, however, in trying to suppress it. The story, what there is of it, lacks substance, the autobiographical form in which it is related destroying any objective interest which its original may have possessed, and supplying nothing in its place except long and overwrought descriptions of emotion. It is feverish and unhealthy, and not very intelligible, belonging to the same class of poems as Shelley's "Epipsychidion." If one can conceive of Romeo masquerading as Hamlet, it will be while reading "The Lover's Tale." Its chief defects are its length and want of concentration, and a tendency on the part of the poet to lose himself in the metaphysics of passion. He forfeits our sympathies by demanding too much from them. These defects condoned (if one can condone them), there remains a residuum of poetry which declares itself in the thought and in the expression,—in the tone or feeling of the whole, and in the grace and beauty of its details. There is a touch of richness in the diction, which, however, is a little too redundant, and indications of picturesque power, which are full of promise. Careful readers of Tennyson will detect in this boyish work the germs of his later efflorescence of style, here in a felicitous phrase, there in an original turn of thought, and everywhere in a sense of luxury and refinement. If any poet was in his mind while he was writing "The Lover's Tale," it was Keats.

In the autumn of 1828, while Alfred Tennyson was pondering "The Lover's Tale," Arthur Henry Hallam entered Trinity College. He was about two years younger than Tennyson, with the same tastes and aspirations, and they speedily became friends. Poets both, they crossed their spears in a tournament of rhyme in the following year, when the college authorities gave out the theme

of the next prize poem. Drawing largely in previous years upon illustrious persons and places,—Columbus, Boadicea, Wallace, Mohammed, Jerusalem, Rome, Pompeii, and Palmyra,—and lightly upon the poetic powers of young Macaulay, Praed, and Bulwer, they decided that the time had arrived when Timbuctoo should be celebrated. It was accordingly named as the theme for 1829, and among those who competed for the prize that year were Hallam and Alfred Tennyson. Hallam chose the *terza rima* of the Italian poets, the difficulties of which have never been surmounted in English poetry, and Tennyson chose blank verse, being the only Cambridge poet who in years had essayed its varied harmonies. Neither can be said to have written a first-class prize-poem, though it may be doubted whether any two poets of their years could have written better upon Timbuctoo. The prize was taken by Tennyson.

Dissatisfied, it would seem, with his blank verse, Tennyson returned to his studies in rhyme, of which he had enough on hand in 1830 to fill the little volume of lyrical poems that I have already mentioned. It is not always easy to trace the beginnings and endings of poetic schools, nor the influence which made its early and late masters what they were. Why Spenser, for example, should have been without followers until Hunt and Keats clothed themselves in his singing robes passes conjecture, for he was one of the most exquisite poets that ever lived (Hunt called him the poets' poet); but so it was, and for upward of two centuries after his death he was only a Name in the long muster-roll of English singers. He was a book shut up, a fountain sealed, until Hunt reproduced the spirit of his luxuriant descriptions, after a manner of his own, with reminiscences of the narrative manner of Marlowe, in his "Story of Rimini," and until Keats, always a jealous honorer of Spenser, found in his glowing pages the inspiration of his own early sonnets, and fragments of chivalric verse, and of the incomparable "Eve of St. Agnes." Spenser was the father of Keats, and Keats was the father of Tennyson, the line of succession beginning with "The Faerie Queene," and ending (if it has ended) with "The Idyls of the King."

There was abundant room for a new English poet fifty years ago, when "Poems, Chiefly Lyrical" were given to the world. Keats had been dead nine, Shelley eight, Bloomfield seven, and Byron six years; and their surviving elders, Wordsworth, Cole-

ridge, Scott, and Moore were silent, or were singing over their old songs to ears which they charmed no longer. There was a sufficiency of younger and minor versifiers; for Wilson had published two volumes of metrical compositions, Beddoes a Marlowesque tragedy, Clare two collections of rural minstrelsy, Proctor four volumes of miscellaneous poetry and a tragedy, and Milman, Croly, Sheil, Knowles, and Miss Mitford a small library of dramatic works for the stage and the closet, but nobody was venturesome enough to predict a brilliant future for either. There was no criticism of poetry which might not have been written by Dr. Johnson in his most prosaic moods, and in which the critic did not achieve the wish of Dogberry, and write himself down an ass. Its brutality ought to have been answered by a horse-whip, for it was based on other than literary, generally on political, grounds. It was not because Keats was a bad poet that he was ridiculed by Lockhart and Gifford, but because he was a friend of Hunt, whom they hated because he was not a fellow-Tory, and sought to crush because he was a cockney. It was the misfortune of Tennyson that he reminded Lockhart and Wilson of Keats, and he might have said for his poetry what Keats said for his own, when he was told that it was like Hunt's, "I am not aware there is anything like Hunt in it, and if there be it is my natural way, and I have something in common with Hunt."

"Poems, Chiefly Lyrical" was a remarkable book, if its readers had only had the wit to see it. We have at the beginning of the collected editions of Tennyson's "Poetical Works," about one-half of what it originally contained. A lyrical element appeared in "Claribel," the two songs to the Owl, the autumnal song ("A spirit haunts the year's last hours"), and "A Dirge" ("Now is done thy long day's work"); an element of shadowy emotion appeared in "Ode to Memory," and "The Dying Swan"; an element of poetical portraiture in "Lilian," "Isabel," "Madeline," and "Adeline"; an element of Oriental picturesqueness in "Recollections of the 'Arabian Nights'"; an element of ballad literature in "Oriana"; and an element of quiet but intense melancholy in the study of Shakespeare's *Mariana*. The lyrical element was tentative, either because the young poet did not clearly understand it, or because it was beyond his powers. He had mastered none of its secrets, unless the lisping rhymes of "Claribel" were among the number, though

there is a feeling for nature in "Claribel," of which no poet save Keats ever had a glimpse, and Keats only in the thirty-ninth stanza of his "Isabella," in which the ghost of the murdered Lorenzo bewails his shadowy place in nature:

> "I chant alone the holy mass,
> While little sounds of life are round me swelling,
> And glossy bees at noon do fieldward pass,
> And many a chapel bell the hour is telling,
> Paining me through."

The element of portraiture was faint, for "Lilian," "Isabel," and their sisters are not women, but a young poet's dream of women—abstractions, ideals, much too good

> "For human nature's daily food."

The oriental element is stronger in "Recollections of the 'Arabian Nights'" than in any other poem of the kind with which I am acquainted. It is steeped in the lights and shadows of the East, the poetic East, which Byron never sought to reflect in his "Corsair," and "Bride of Abydos," and which Moore sought in vain to reflect in his "Lalla Rookh." It is shot through and through with the splendors of day and night, as they lingered lovingly of old, in the bowers and walks, and little rivers and lakes, that studded the gardens and pleasure-grounds of good Haroun Alraschid. It is a mosaic of jeweled picturesqueness, set in a filigree of purest gold and the finest workmanship. The element of emotion in "The Dying Swan" and the "Ode to Memory" struggles to express itself in words, but finding words inadequate, is compelled to express itself in pictures, intimations, and suggestions of landscape, which alternately reveal and conceal the burden of the mystery. There is, if I am not mistaken, a reminiscence of Elizabethan methods of verse in the landscape feeling which pervades the "Ode to Memory," but I cannot say that it is a happy one, nor that it accomplishes the intention of the poet, which was accomplished for the first time (and for all time) when he created out of this same landscape feeling the world of dejection in which "Mariana" moves, lives, and has her being. If there be any woman of Shakespeare's of whom we wish to know more than he has told us, it is *Mariana*, who appears for the first time in the fourth act of "Measure for Measure,"

a wronged and abandoned lady, whose past is left to the imagination. To indicate this past, so far as it can be indicated by a shadowy figure, in a deserted house, surrounded by a dreary landscape, was the task which this young poet set himself, and for which his genius peculiarly fitted him. He performed it admirably—I cannot say perfectly, for there are archaic expressions in "Mariana" which jar upon one, but with a feeling that was never at fault, and that preserved everything in keeping with his main purpose. It was art of a new and profound kind, which he was the first to discover and practice, and which, I think, will never become obsolete. "Oriana" suggests but fails to reproduce the spirit of old balladry. It is a variation of the old theme of "Fair Helen of Kirkconnel," of which there are so many versions, with a difference of manner, which is more flowing and descriptive, and the addition of a refrain which seems to wring itself out of the heart of the singer. It is a subtle and more effective study of the "Nevermore" of Poe's "Raven," which I have no doubt was suggested by it, and as such I would recommend it to the consideration of young poets,—not as something to be imitated but as something to be known. "The Merman" and "The Mermaid" are more difficult of classification than the poems I have mentioned. There is, I think, a remote relationship between them and "Oriana," and they may be roughly described as romantic fantasies of sea life. I can remember no English poems of the kind before them, and none that have appeared since they were written that are worthy of being ranked beside them, unless "The Forsaken Merman" of Matthew Arnold be one, and that strikes me as being less poetical, in that it concerns itself with a humanized emotion rather than with the soulless existence of imaginary sea-creatures. Such, in brief, are the characteristics of "Poems, Chiefly Lyrical," as they remain in the standard editions of Tennyson; their discarded relatives, of which there are thirty, are of inferior interest and workmanship. I find in four the lyrical element I have spoken of, tinged apparently with reminiscences of Beddoes, and possibly of Blake; in another ("Nothing will die"), undoubted reminiscences of Barry Cornwall (caught, I imagine, from his contributions to annuals, for his "English Songs" were not published until two years later); in another ("The 'How' and the 'Why'"), an anticipation of the transcendental manner of Emerson; and in another ("Hero to Leander"), an attempt to handle a classical

theme unclassically. There is an unsuccessful attempt to handle blank verse once more in "The Mystic," and six attempts at sonnets, which are not sonnets. This difficult species of composition was cultivated by Tennyson while at Cambridge with his brother Charles and his friend Hallam, but more, it would seem, in emulation than because he liked it. To say that he surpassed both, is not to say much, for neither rose above commonplace in his quatorzains. Of the twenty examples therof in the "Remains" of Hallam, there are but five which obey the laws of the Petrarchan sonnet, and those were written in Italy, before he entered Cambridge, and in Italian. Of the fifty examples in Charles Tennyson's first volume (which was published at this time), there is not one, I believe, which answers the definition of a sonnet: he never, in fact, wrote more than three or four sonnets, though the number of his essays, before he died, in the sonnetary direction, fell but little short of that of Petrarch, or Camoëns.

"Poems, Chiefly Lyrical" were received with derision and with admiration,—with derision by elderly critics, who believed in Pope and Dryden, and with admiration by youthful critics, who believed in Keats. If the genius of Keats had been recognized, the genius of Tennyson might have been recognized, also; but, unfortunately for Tennyson, it was not recognized. The clamorous outcry of his personal friends, and the pathetic monody of Shelley,—wild words, both, perhaps,—wandered here and there, but nowhere effected a lodgment in the public mind. He was so little cared for, ten years after his death, that the woman he had loved thought the kindest act that could be paid his reputation would be to let it rest forever in obscurity. To resemble Keats, however slightly, was to provoke the conventional criticism of the time, and Tennyson accordingly provoked it—roughly in the person of Wilson, and brutally in the person of Lockhart. Wilson delivered himself *ex cathedra*. Beginning with an abundance of strong epithets, he grew calm and judicial as he proceeded, and ended with a pat on the shoulder. The new poet was the pet of a coterie, who had elevated him to the throne in Little Britain, and had showered sonnets over his coronation from the most remote parts of the empire, even from Hampstead Hill. He had small power over the common feelings and thoughts of men, and his feebleness was distressing when he appealed to their sympathies. He betrayed a powerful but impotent straining after originality, and an aversion from the

straightforward and strong simplicity of truth and nature. Some of his effusions were dismal; others were silly. "The Merman," for instance, was distinguished for silliness. The poet cut a sorry figure in it, kissing like a cod-fish, and crawling stark naked under the sea. After several pages of this sort of writing, a gentler spirit crept over the redoubtable Christopher. The "Ode to Memory" was eminently beautiful, with the exception of some nameless mannerisms. The sound was an echo to the sense, and the sense was as sweet as life's dearest emotion enjoyed in a dream. Every word told in "The Deserted House," and the whole was pathetic in its completeness. "Mariana" was profoundly pathetic,—"scenery, state, emotion, character, all are in fine keeping." "Oriana" was, perhaps, the most beautiful of the young poet's compositions; but his highest achievement was the "Recollections of the 'Arabian Nights.'" Thus — mingling blame and praise—wrote John Wilson of Alfred Tennyson's first volume.

I am not sufficiently versed in the bibliography of Tennyson to say whether his next volume, which was published in 1832, was followed by another volume in 1833, or was reprinted in the latter year, with additions. I shall consider the two publications, then, as substantially one, bearing the dates of 1832 and 1833, and compare it with "Poems, Chiefly Lyrical." To state that it contained more excellences and less defects than that collection, is to state a fact too baldly. The poet had grown, and had changed. He had abandoned the lyrical element, as beyond, or as foreign to, his powers, but he still clung to the element of female portraiture, which now yielded fewer but richer results. "Eleänore" and "Margaret" are charming studies of ideal women, delicately but distinctly different, and radiant with loveliness and purity. The conception of "Eleänore" is the more poetic of the two, and the execution the more impassioned. I feel in the first three strophes the influence of Keats, drawn, perhaps, from his ode "To Autumn," and in the swooning emotion of the last strophe, a shadowy reminiscence of the stanza in "The Eve of St. Agnes," in which Porphyro grows faint:

> "She knelt, so pure a thing, so free from earthly taint."

The element of melancholy, as interpreted by landscape, re-appears in "Mariana in the South," but with less force than in "Mariana," which should have contented Tennyson. The element of old bal-

ladry re-appeared in "Fatima," in "The Two Sisters," and—with the excess common to most modern revivals of ancient forms—in "The May Queen," which is notable as the young poet's first attempt to interest himself in homely, human themes. It is of a kind that ordinary readers are apt to overrate, and it might have been written by a lesser poet than Tennyson. Not so "The Miller's Daughter" and "Lady Clara Vere de Vere," which are not only of a higher kind, but are remarkable as being, if not the first, certainly the most successful and most poetical ventures into the world of modern English life. We have glimpses of this world in the eclogues of Southey, the pastorals of Wordsworth ("The Brothers" and "Michael"), the tales of Crabbe and Bloomfield; but it is on its homely side, and over dreary levels of prose. The real and the ideal are exquisitely blended in "The Miller's Daughter." Flemish in the precision of its details, and Italian in the harmony of its coloring, it combined what was best in each school, and created a third, which was superior to both. It is the celebration of love; not the love of the young, which may, or may not, endure, but the love which *has* endured—the love of the old, which grows not old. The instinct of the poet directed him to the impression that he should convey, and his art furnished him with the medium by which he could convey it. The impression was repose, the medium, memory. "The Miller's Daughter" is a delightful poem, superior every way, I think, to Coleridge's "Love" (which is one of the three or four poems upon which his reputation rests), if, indeed, it be not superior to everything of the kind in the language. "Lady Clara Vere de Vere," which belongs to the same school of idealized realism, might have been written by Burns, in his most independent mood, if Burns could have written English. It anticipated the Elliotts and Swains and Mackays, and left them nothing to utter but radical platitudes. That the young poet had been reading in the direction of mediæval romance, and chiefly, it would seem, in Sir Thomas Malory's "Mort d'Arthur," was evident in "The Lady of Shalott." I find it difficult to classify this poem, which is remarkable for what it indicated, rather than what it was. If my memory is not at fault, it was the first serious attempt to turn the Arthurian legends to poetic account; at any rate, it was the first serious attempt by any modern English poet. That they figured in the early English drama is not unlikely. His honor, Justice Shallow (*corum*, *custalorum*, and *ratulorum*, too), remembered, in the Second Part of

"King Henry IV.," that he was once *Sir Dagonet* in Arthur's Show, which Baker thinks was probably an interlude, or masque, that actually existed and was popular in Shakespeare's time. It was the intention of the young Milton, tradition says, to write an epic about King Arthur; but nothing came of it. Dryden is also credited with the same intention; but nothing came of it, though he wrote, in his old age, a dramatic opera, of which that British worthy was the spectacular hero. Garrick re-introduced him to his countrymen about eighty years later, and they were temporarily kind to him and his scenic surroundings. With the exception of Bishop Percy, who reprinted two Arthurian ballads in his "Reliques," no modern editor sought to revive the memory of good King Arthur, which had slumbered for centuries in the prose of old Sir Thomas Malory. He was known to the contemporaries of Caxton and Wynkin de Worde, who read his doughty deeds in black-letter, and was not forgotten by their descendants, in the reign of Charles the First. He passed out of literature, however, during the ascendency of the Puritans, when even ideal kings were at a discount, and did not return with the Restoration, which was devoted to the worship of other idols. It was not until the first quarter of the present century that he re-appeared, and found a small body of subjects ready to welcome him—editors, like Haslewood and Utterson, who doted on old books because they were old, and students who read, as Lamb pretended to write, for antiquity. To neither of these classes did young Alfred Tennyson belong, nor was his allegiance to be compared with theirs. It was not strong at first, and it concerned itself less with King Arthur than with the personages of his court and realm, one of the most shadowy of whom appealed somehow to his poetic sympathy. "The Lady of Shalott," his first Arthurian study, indicates more than it accomplishes. It is not of the earth, earthy, but of the world of the imagination, where all things are high fantastical. It is as much a dream as "The Sensitive Plant" or "The Witch of Atlas," and it should be read as such, and such only. Its merits are melodiousness and picturesqueness; its defects, general looseness of construction, excessive length, and its refrains, which finally become so provoking as to remind one of *Kent's* threat to *Oswald:*

> "Goose, if I had you upon Sarum plain,
> I'd drive ye, cackling, home to Camelot."

With the mediæval element, which so far was experimental with Tennyson, there was a classical element that overshadowed it. Long absent from English poetry, except in the adumbration of translations, it bourgeoned out in his childhood in Hunt's "Foliage" (1816), and Shelley's noble paraphrases of the so-called "Homeric Hymns" (*circa* 1820), and it flowered magnificently in the "Endymion" (1818) and "Hyperion" (1819) of Keats. The genius of each of these poets was impressed upon his classic work, which was thus narrowed in a certain sense to receive it, though not to the same extent as Wordsworth's "Laodamia" (1814), and "Dion" (1816), who are only Wordsworth himself in masquerade. With the highest admiration for these poets, I still think that there remained a note of classicism which was truer to its antique spirit than any that they sounded, and that Tennyson discovered it in "Œnone" and in "The Lotus Eaters." They are two of the most delightful poems that were ever written, possessing everything that poems should possess, and creating a permanent feeling of loveliness and repose. I know of no blank verse which reminds me of that of "Œnone"; in its general structure, its musical variations of rhythm, and its verbal finish, it is simply perfect. What may be called a philosophical element struggles ineffectively with the burden of personality imposed upon it in "The Palace of Art"; and what may be called an element of historic and legendary portraiture struggles ineffectively in "A Dream of Fair Women." For suggestiveness—the art of hinting description—and pure pictorial power, both in dealing with landscape, and with figures, they surpassed anything that Tennyson had yet produced; but they were not interesting, nor have all his revisions made them so, for the parts still want fusion, and the whole remains hard and unmalleable. The minor poems in this collection (1832–33), some twenty in all, of which fourteen, mostly quatorzains, were afterward suppressed, do not call for any special comment. They are well and evenly written, "The Death of the Old Year" being an effective example of modern balladry, and the lines "To J. S." a manly expression of sympathy with the personal grief of a friend. I must mention, however, "The Blackbird," the first of three poems in the same stanza, which it re-introduced into English poetry. It is a simple octosyllabic stanza of two rhymes, the first line rhyming with the fourth, and the second and third line rhyming together, but it is the most flexible stanza in the language, and in the hands of a master, is capable of yielding

the most diverse effects. It was discovered, I believe, by Ben Jonson, while he was writing the chorus to the second act of his "Cataline" (1611), where it is set up in sections of two or three stanzas. It was used again by him in "An Elegy," in "The Underwoods" (printed in 1640, but written, of course, before his death in the summer of 1637), and it was used twice by George Sandys, in his "Paraphrase upon the Psalms of David" *(circa* 1637), as well as Lord Herbert of Cherbury, who died in 1648. From the latter date it disappeared from English poetry as completely as the sonnet from the time of Milton to Gray, until it was recovered by Alfred Tennyson nearly two centuries later.

What may be called the weak spot of Tennyson's poetry at this time — certainly the weak spot of "A Dream of Fair Women" and "The Palace of Art" — was detected at once by Coleridge, whose poetic judgment was as sure in age as it had been in youth. "I have not read through all Mr. Tennyson's poems which have been sent to me," he remarked to his nephew, Henry Nelson Coleridge ("Table Talk," April 24, 1833), "but I think there are some things of a good deal of beauty in what I have seen. The misfortune is that he has begun to write verses without very well understanding what meter is. Even if you write in a known and approved meter, the odds are, if you are not a metrist yourself, that you will not write harmonious verses; but to deal in new meters without considering what meter means and requires, is preposterous. What I would, with many wishes for success, prescribe to Tennyson,—indeed, without it he can never be a poet in act,—is to write for the next two or three years in none but one or two well-known and strictly defined meters, such as the heroic couplet, the octave stanza, or the octosyllabic measure of the Allegro and Penseroso. He would, probably, thus get imbued with a sensation, if not a sense, of meter, without knowing it, just as Eton boys get to write such good Latin verses by scanning Ovid and Tibullus. As it is, I can scarcely scan some of his verses."

That Tennyson resented the snubbing to which his first and second collections of verse had subjected him, was apparent in his squib on crusty, rusty, musty Christopher, and that he profited by it was evident in his next collection, which was published nine or ten years later. They were years of disappointment, and perhaps bitterness; but they were years of thought and of industry. He made a profound study of the poetic art, and of

his intellectual capacity, which was tenacious of early impressions and intentions. He knew that he had failed in "A Lover's Tale"; but he determined to try again in the same direction, and did so, in a second study of passion, the effect of which was to depend upon analysis and not upon narrative. He was not without reputation of a certain sort, despite the critical ridicule which had been showered upon him; for, shortly after the publication of his first collection, he contributed three short poems to "The Gem" (1831), one being a singular attempt to embody the sorrowful feeling attached to the words, "No more"; another, a copy of "Anacreontics,"—of no value,—and a third, "A Fragment," in blank verse, which reads like an excised passage from "Timbuctoo." Two years later, he contributed two quatorzains to "Friendship's Offering" (1833), and four years afterward he thought well enough of his unfinished emotional study to print a portion of it. It saw the light in "The Tribute" (1837)—a collection of miscellaneous unpublished poems, edited by Lord Northampton, for the benefit of the Reverend Edward Smedley, a disabled man of letters, and furnished by the leading poets of the day,—Wordsworth, Southey, Landor, Moore, Montgomery, Milman, Joanna Baillie, and such lesser lights as Aubrey de Vere, Milnes, Trench, Alford, Darley, and Bernard Barton. Among these, appeared "Alfred Tennyson, Esq.," who filled seven loosely printed pages with "Stanzas." If I were writing the biography of Tennyson, I would copy them here; but as I am not, I content myself with saying that these "Stanzas," of which there were sixteen, amounting to one hundred and ten lines, were the first rough draft of what is now the twenty-fourth section of "Maud."

If the history of literature teaches anything, it is that no man can be written up, or written down, except by himself. The praise which should crown his work may be withheld by critics, but only for a time; they may delay, but they cannot prevent, reputation, for it does not depend upon them, but upon the world, which in the end is always just. Jeffrey and Gifford passed away, but Wordsworth and Keats remained; Lockhart passed away, but Tennyson remained, and, long before Lockhart's death, was acknowledged as the greatest of living English poets. His position was assured in his thirty-third year (1842), when he published his third collection of poems, or, more strictly speaking, the collected edition of his poetical works. It was in two vol-

umes, the first of which contained the substance of what he had printed in 1830 and 1832–33, the second, what he had written since. What the first volume was, I have endeavored to indicate; what the second was, I will state as briefly as I can. To begin with: it was undeniably poetry, and was remarkable for its variety and its finish. The Arthurian element, which struggled with balladry in "The Lady of Shalott," was especially triumphant in the "Morte d'Arthur." The classical element, which was painting in "Œnone," was sculpture in "Ulysses." The emotional and social elements in "The Miller's Daughter" and "Lady Clara Vere de Vere," re-asserted themselves strongly in "The Gardener's Daughter," in "Dora," and in "Locksley Hall." A mediæval-religious element, not hitherto seen, demanded intellectual recognition in "St. Simeon Stylites," and won spiritual admiration in "St. Agnes" and "Sir Galahad." The lyrical element sounded the depths of feeling in the little sea-dirge, "Break, break, break." The element of allegory in "The Palace of Art," re-appeared in "The Vision of Sin." The element of pure poetry, which was radiant in "Margaret," "Eleänore," and "Œnone," translated itself from loveliness into the beautiful in "The Talking Oak" and "The Day-Dream." The element of balladry reached perfection in "Lady Clare," "Edward Gray," and "The Lord of Burleigh." What may be called the idyllic element, which was shadowed forth in "The Miller's Daughter," and was radiant in "Œnone," was the chief characteristic of "The Gardener's Daughter," "Dora," "Audley Court," "Walking to the Mail," and "Godiva." It was a comparatively new element in English poetry, not dating back beyond the last lustrum of the last century, unless it may be supposed to have remotely inspired the episode of Crazy Kate in "The Task," and the episode of Musidora and Lavinia, in "The Seasons." It began, I think, with Coleridge and Wordsworth, with "The Picture," "This Lime-tree Bower my Prison," "The Nightingale," and "Frost at Midnight," and with "The Brothers" and "Michael," all excellent examples of idyllic intention, but inferior to the idyllic accomplishment of Tennyson, which appears to have been suggested by the study of Theocritus. A recent critic sees, or thinks he sees, verbal resemblances to passages in Theocritus and Moschus in "Œnone," "The Lotus Eaters," and "Godiva"; another critic insists that "Ulysses" was suggested by the twenty-sixth canto of Dante's "Inferno," and a third, who has bestowed a

good deal of pains to tracking him through the snow of other men's writings, declares that he wears the costumes of Shakespeare, Peele, Heywood, Beaumont and Fletcher, and Dryden,—a terrible charge, no doubt, which Dryden himself has summed up:

> "This poet is that poet's plagiary,
> And his a third, till they all end in Homer."

If I were disposed to add to this curious but useless erudition, I might say that the refrain of the cradle song in the second book of "The Princess" was borrowed from a song in Greene's "Menaphon" (1587); and that the third stanza of the blank verse lyric in the second book of the same poem was borrowed from Hunt's "Hero and Leander." Let us see how the resemblances look in print:

> "While my little one, while my pretty one, sleeps."

> "For my lambs, my little ones,
> 'Mongst many pretty ones."

> "The casement slowly grows a glimmering square."

> "And when the casement, at the dawn of light,
> Began to show a square of ghastly white."

The idyllic element, which was first perfected in Tennyson's third collection, was manifested therein in two methods, or schools, one of which concerned itself with loveliness, the other with homeliness. The finest example of the first, or Italian school, was "The Gardener's Daughter," the best example of the second, or Flemish school, was "Dora." "The Gardener's Daughter" is an exquisite poem. It conveys the exact expression that the poet determined to convey,—the modesty and warmth of love, the dew on the flowers and the light in the sky, tenderness, and purity, the joyous recognition of the divine in womanhood. As art, it is faultless: everything is in keeping, subordinated to the final effect, and the tone, or atmosphere, is steeped in beauty. The picturesque talent which wreaked itself in sketches in "The Palace of Art" becomes here the genius of English landscape painting, of which Tennyson was henceforth the most finished master. There is no word but perfection which applies to the landscape and figure painting of this incomparable poem,

and if there be in all poetry an immortal shape, it is that of the gardener's daughter, holding up the rose-bush which the last night's gale had blown across the walk. A companion piece is the figure of the Lady Godiva, as she disrobes herself in her inmost bower, but it has never seemed to me quite equal to it, if, indeed, it be equal to the more carelessly painted figure of Madeline in the shadows of the stained window in "The Eve of St. Agnes." I am not so certain that "Dora" is a fine example of the Flemish school, as I am that "The Gardener's Daughter" is a fine example of the Italian school, for I have the feeling that it would have been a better picture if it had been painted in a higher key of color. "Audley Court" and "Walking to the Mail" exhibit the characteristics of both schools, and suggest a third, in which, perhaps, they may be harmoniously blended, but as neither attains it, the result is somewhat incongruous. If the last named poem has a prototype in English verse, it will probably be found among Southey's "Eclogues," of which seven out of nine are dialogues. We must still go back to Theocritus, however, as the idyllic master of Tennyson. The atmosphere of "The Talking Oak" is similar to, but richer than, the atmosphere of "The Gardener's Daughter." It is a thoroughly high-bred poem, steeped in ancestral refinement, and radiant with historic associations,—an embodiment of the grace and glory of English aristocratic life. "The Day Dream" belongs substantially to the same school as "The Talking Oak," but the workmanship is more careless, and its general effect less exquisite. Its loose construction, and its want of proportion, strain the art of even dream-poetry. "Ulysses" is a piece of high Greek art, perfect alike in its strength and its repose. Conceived in dramatic form, it is a representative rather than a dramatic poem, a criticism which applies with equal force to "St. Simeon Stylites." My feeling in regard to these poems is, that one represents a Greek, and the other a primitive Christian element, in the persons of Ulysses and St. Simeon Stylites, but does not develop the dramatic personality of either. Ulysses is not dramatic in the same sense as the Duke of Browning's "Last Duchess" (1842); nor is St. Simeon Stylites dramatic in the same sense as the Bishop in Browning's "Tomb at St. Praxed's" (1845). Tennyson's representative art is general and superficial. Browning's dramatic art is special and profound, betraying idiosyncrasies of which the speaker is not aware. Tennyson

exhausted the poetic possibilities of the hermit-life of early Christianity in "St. Simeon Stylites," and he exhausted the poetic possibilities of the convent and knightly life of mediæval Catholicism in "St. Agnes" and "Sir Galahad." For just what they are, nothing can surpass these poems, which are Tennyson's first and last efforts of the kind. The classic inspiration of "Ulysses" moved him, at a later period, to write "Tithonus," and, possibly, "Lucretius"; the idyllic inspiration of "The Gardener's Daughter" moved him to write "The Brook," "Aylmer's Field," "Enoch Arden," and "The Sisters"; the Arthurian inspiration of the "Morte d'Arthur" moved him to write "The Idyls of the King"; but he was moved no more by the grim inspiration which recalled the old desert saint, nor by the lovely inspiration which recalled the holy nun and the chaste knight.

I have summoned up, I believe, the chief elements in the first collected edition of Tennyson's poetical writings (1842), and have thus indicated the character of his genius. If he had died when it was published he would have established his claim as a poet, remarkable for variety and excellence, remarkable for method and manner, and remarkable for the perfection of his art. Nearly forty years have passed since then, and he is still remarkable for the same qualities, and for little besides. I do not say that the man of seventy is not larger, intellectually, than the man of thirty, but I do say that intellectually he is the same man. He has ripened, but he has not changed. The difference between his first and his last volume, or between the best poem in his first and the best poem in his last, between "Mariana" or "Recollections of the 'Arabian Nights,'" say, and "The Revenge," and "The Defence of Lucknow," is not so great as the difference between Keats's "Sleep and Poetry" and his "Hyperion," between Byron's "Hours of Idleness" and his "Childe Harold," Shelley's "Queen Mab" and his "Cenci," Pope's "Pastorals" and his "Moral Epistles," Milton's "L'Allegro" and his "Paradise Lost," or, to compare great things with small, between Shakespeare's "Romeo and Juliet" and his "Lear." The power to write "The Idyls of the King" was contained in the "Morte d'Arthur," and though "Elaine" and "Guinevere" are finer, in a certain sense, than the "Morte d'Arthur," more human and pathetic, they surprised no one who was familiar with the poetry of Tennyson. The Arthurian element which Tennyson was the first to introduce into English poetry, soon became an active

factor therein. The larger as well as the lesser poets soon added it to their possessions, as Matthew Arnold, in his "Tristram and Iseult" (*circa* 1852), William Morris, in his "Defence of Guinevere" (1858), Algernon Charles Swinburne, in his "Tristram and Iseult" (1878), and, I dare say, many more with whose poetic effusions I am not conversant. It is now the common property of all the English poets. "The Idyls of the King" must be judged by the idyllic and not the epic standard, for the ten parts of which they consist, though selected with consummate skill from the prolific Arthurian legend, by no means constitute the unity which the true epic demands. Separately, they are exquisite poems; together, they are averse from fusion. If there is any more delightful reading in the language, I do not know where to look for it; if there is any better blank verse of the narrative order, any subtler poetic art, or any such choice English, I have never seen it. If the brightness and the beauty of "The Idyls of the King" lack anything, it is shadow, relief, the quality of remoteness, strangeness, mystery, terror, or whatever it is that is the life of Browning's "Child Roland to the Dark Tower Came."

If, in the fullness of time and the folly of criticism, the original of "The Princess" should be sought for, as the originals of some of Shakespeare's plays have been, the Farmer of the future will no doubt remember that among his rare books there is a copy of an Abyssinian story called "Rasselas," the production of one Dr. Johnson, who was known in his time as a judicious critic. He will remove it from his crowded shelves, and, sitting in his easy-chair, will turn its leaves carefully until his eye lights upon the following passage, which he will transcribe into his study of Tennyson: "The princess thought that, of all sublunary things, knowledge was the best; she desired first to learn all sciences, and then proposed to found a college of learned women, in which she would preside." In this, he will write triumphantly, we find the *prima stamina* of "The Princess." Nothing of the sort, the idealists will reply; the resemblance is purely accidental. "The Princess" was not transplanted from Johnson's tedious story, but was the natural growth of the poet's own soul, its bright, consummate flower. It was his solution of the puzzling problem of woman. No, the profounder idealists will insist, it is a philosophic allegory, such as we find in Shakespeare's sonnets and Spenser's "Colin Clout,"—a dual allegory of material and spirit-

ual life, the prince being the body, and the princess the soul, of man! That some such theories as these, particularly the last, may hereafter be entertained by the commentators of Tennyson, is not at all unlikely; they will certainly be entertained if our present race of Shakespeare commentators can contrive to perpetuate their influence. I have no theory in regard to "The Princess." I consider it a poetic statement of the difference between the sexes, and as faithful a statement as could be made in prose. I say this under correction of those who have considered the woman question more deeply than I have, and I add (to myself) that I do not in the least care for it. At any rate, it does not enter into my estimate of "The Princess," which I read as a poem simply, and which seems to me one of the most delicious poems in the world. I am charmed with it as a story; for, though slight, it does not lack incident; and I am charmed with it as a struggle between the intellect and affection of woman. It accomplishes the intention of the poet, which I have no doubt was a grave one, in the gayest manner imaginable. That this manner does not achieve poetry of a high order, as some maintain, I shall believe when I believe that the manner of Shakespeare's comedy does not achieve poetry of a high order, but not before. The prosperity of a jest like this lies in the ear that hears it, the mind that ponders it, the heart that embraces it, not in the jest itself. To place the action of the poem in the past was to give it an interest that could not have been given to it had it been placed in the present—the interest of the remote and the romantic, and to revive, in another form, the Arthurian spirit which, if it meant anything, meant devotion to woman. A further interest was given to what may be called the mediæval background by the modern frame-work in which it was set, and with which it was in effective and harmonious contrast. I know not what fault to find with "The Princess." It is an incomparable poem, perfect in its motive, which develops itself, perfect in its parts, which belong to each other, and perfect in its totality, which is unity. It is happily conceived and joyously sustained; it is flushed with picturesque description, and quickened with melodious movement; and it is enriched, beyond all modern poems, with

> "elegies
> And quoted odes, and jewels five-words long,
> That on the stretched forefinger of all Time,
> Sparkle forever."

"The Princess," which was published in 1847, puzzled Tennyson's critics, who blundered about it as they had blundered about his second collection, fifteen years before, though in a different way, and in more respectful language. Even Miss Mitford, whose taste in general was good, did not know what to make of it. "'The Princess' has fine things," she wrote to Mrs. Browning, in September, 1848, "but would certainly not have made a reputation. It is a poem of a hundred and fifty pages, all in blank verse,—inclosed within a setting of blank verse also,—and the very songs introduced are of the same meter. The story is very unskillfully told, with an entire want of dramatic power, and full of the strangest words, brought in after the strangest fashion. It begins in mockery, and becomes earnest as it goes on; but there are, as I said before, fine things in it."

Three years after "The Princess," Tennyson published "In Memoriam" (1850), and five years later, "Maud" (1855). In 1859, he published the first installment of "The Idyls of the King" ("Enid," "Vivien," "Elaine," "Guinevere"); in 1864, "Enoch Arden"; in 1870, "The Window," and the second installment of "The Idyls of the King" ("The Coming of Arthur," "The Holy Grail," "Pelleas and Ettarre," "The Passing of Arthur"); in 1872, the third installment of "The Idyls of the King" ("Gareth and Lynette," "The Last Tournament"); in 1875, "Queen Mary"; in 1877, "Harold"; and at the close of the past year (1880), "Ballads and Other Poems." The length to which this study has extended leaves me but little space in which to dwell upon these volumes, and happily but little space is needed. I might enumerate again the elements which I have pointed out, but I should not be able to point out many new ones, for they do not exist. I shall say nothing, therefore, of the Arthurian poems, the publication of which covered a period of thirty years (1842–1872); nor of the later idyllic poems, further than that none seems to me quite equal to "The Gardener's Daughter" (the effect of "Enoch Arden" and "Aylmer's Field," for example, being injured by their over-elaboration); nor of the later lyrical poems, for, fine as two or three songs in "The Princess" are, I do not feel that Tennyson is a born lyrist, like Burns, or Proctor. I must notice, however, and as briefly as I can, one element of his poetry to which I have not yet called attention, and which may be called, I suppose, the meditative element. We had glimpses of it in the "Ode to Memory" (1830), in the lines "To J. S." (1832), and in "The

Two Voices" (1842), which may be likened to springs, that rose, and disappeared, and rose again,

> "From old well-heads of haunted rills,
> And from the hearts of purple hills,"

increasing in volume and depth until they become a river of thought in "In Memoriam."

I have mentioned Arthur Henry Hallam as one of Tennyson's companions and friends at college. He was a charming lad of seventeen or eighteen, who from childhood had promised to be a remarkable man: his disposition was sweet, his perceptions were clear, and his inclination toward learning was so strong that he was a fair Latinist in his seventh year. He also read French with facility, having acquired it during a tour on the Continent with his parents in the summer of 1818. Early in the spring of 1820, his tenth year, he was placed in a school at Putney, where he remained nearly two years; and, after another visit to the Continent, he became a pupil of Dr. Hawtrey, assistant master of Eton, of which he afterward became provost, who, two or three years before, had interested himself in the intellectual progress of another Etonian named Winthrop Mackworth Praed. Hallam's five years' residence at Eton was devoted to the Latin and Greek classics, and to the Elizabethan poets, to whom he was strongly attracted. He joined the Debating Society, as was the custom with young Etonians, and he assisted in the publication of an Eton "Miscellany," as Praed had done before him. He had a talent for verse, which developed itself after leaving Eton, during a third visit to the Continent, in which he resided for eight months in Italy, where, like the young Milton, he learned to write Italian sonnets, and to speak the Italian language with a pure Sienese pronunciation. Returning at length to England, he entered Trinity College in the autumn of 1828, as I have already stated, and thus made the acquaintance of Alfred and Charles Tennyson, by whom his poetic ambition was stimulated, and with whom he lived in close personal communion. He wrote a few English sonnets, which were not worse than Charles Tennyson's; he competed with Alfred Tennyson for the prize poem on "Timbuctoo," and lost it, as we have seen, but he gained a prize for an English essay on the philosophical writings of Cicero, and, in 1831, the first college prize for an English declamation. He took his degree in January, 1832, and returned to London, where he

began to study the law, at the desire of his father. Already familiar with the "Institutes" of Justinian, and with Heineccius, he now went through Blackstone and other English authorities, and entered the office of an eminent conveyancer in Lincoln's Inn Fields. He did not wholly abandon literature, however, for he wrote at this time a dramatic sketch, in which Raffaele and Fiammetta figure, and translated most of the sonnets in Dante's "Vita Nuova." Never in robust health, he had a severe attack of intermitting fever in the spring of 1833, to recover from the effect of which he made a summer visit to Germany with his father. A wet day between Pesth and Vienna brought back the fever, and with it a sudden rush of blood to the head, which put an instantaneous end to his life. He died on September 15, 1833, and in the following winter his remains were brought to England, and interred in the chancel of Clevedon Church, in Somersetshire. Such was Arthur Henry Hallam, the friend of Alfred Tennyson, to whom he was soon to be bound by a closer tie than that of friendship, for at the time of his death he was engaged in marriage with one of his sisters. His life was bright and brief, but brief as it was it will be long remembered, for it is embalmed in "In Memoriam."

"In Memoriam" differs from every personal poem of which I have any knowledge. It does not start with the advantage possessed by the "Vita Nuova" of Dante, and the sonnets and canzons of Petrarch. It was not inspired by a love like that of Dante for Beatrice Portinari, or that of Petrarch for Laura de Sade. It does not celebrate the love of woman, but the friendship of man—the friendship of Alfred Tennyson for Arthur Henry Hallam. It has no prototype, unless it be the sonnets of Shakespeare, which are quite as likely to have been exercises of poetic fancy as records of personal feeling. Conjecture has long been busy with the enigmatical "Mr. W. H.," their alleged "onlie begetter." He was William Herbert; he was Henry Wriothesley; he was Queen Elizabeth! There is no end of hypotheses concerning this "Mr. W. H.," and I have mine, which is identical with Byron's hypothesis in regard to Junius:

> "'Tis, that what Junius we are wont to call
> Was really, truly, nobody at all."

Dismissing Shakespeare—who may, however, have celebrated an actual man—as we have dismissed Petrarch and Dante, who cer-

tainly celebrated actual women, we come to Milton, where we find ourselves on solid ground. We know, from Milton's biographers, that "Lycidas" was written in commemoration of Edward King, a fellow-student at Cambridge, who was drowned while crossing the Irish Channel in the summer of 1637; and we welcome the knowledge, since it imparts a reality to the poem which it would not otherwise have possessed. We try, at any rate, to persuade ourselves that this reality exists, and if we fail to do so, it is because we do not make sufficient allowance for the writer, whose genius was scholastic, as well as poetic, and for the poetic manner of his period, which was nothing if not scholastic. "Lycidas" is an exquisite poem, but it was not the prototype of "In Memoriam." If we demand more reality than we can readily detect in it,—if we demand more nature, more truth,—we find it in one of Milton's contemporaries, whose reputation was as much greater than his as his genius was less, and who, like himself, was a Cambridge man,—Cowley, who, in deploring the untimely death of his friend William Harvey, also a Cambridge man, struck out three or four immortal stanzas. I can recall no seventeenth-century poet, after Milton and Cowley, whose elegiac work was other than commonplace, unless it be Dryden, whose lines "To the Memory of Mr. Oldham" have a genuine ring; and no good elegiac work written in the following century, unless it be found in Tickell's poem on the death of Addison. Here is a passage from it which anticipated the feeling of "In Memoriam":

> "If e'er from me thy loved memorial part,
> May shame afflict this alienated heart;
> Of thee forgetful if I form a song,
> My lyre be broken, and untuned my tongue,
> My griefs be doubled, from thy image free,
> And mirth a torment, unchastised by thee."

One hundred years later, a greater poet than Addison was hymned by a greater poet than Tickell. A young Englishman, who died in his twenty-sixth year, was bewept by another young Englishman, who died in the following year, in his thirtieth year, and who wrote nothing finer than the poem in which he embalmed the memory of his fellow-singer—"Adonais." Twelve years later, there died another young Englishman, in his twenty-third year, and was bewept by another young Englishman, who was two years his senior, and who has written nothing finer than the poem in which he has embalmed the memory of his friend—"In

Memoriam." "Adonais" had its prototype in Bion's "Epitaph of Adonis," and "Lycidas" had, if not exactly its prototype, its forerunner, in "The Mourning Muse of Thestylis," which is now thought to be the work of Lodowick Brysket, and not of Edmund Spenser. Like all that Milton wrote, it is tesselated with phrases from other poets. "In Memoriam" had no prototype, and has no equal among the personal poems of the world. One of its merits is the recovery of a measure which was obsolete until it was put forward tentatively in Tennyson's second collection of verse—a measure at once noble and graceful, plastic beyond any other quatrain in the language, and capable of infinite inflections, winding out from and returning in upon itself, like a strain of exquisite music. Another of its merits is the halo which it casts over suffering, the deep and tender feeling with which it tempers grief, the assured belief in something higher than death,

> "The devotion to something afar
> From the sphere of our sorrow."

I am not philosopher enough to say what system it teaches, if it teaches any; nor theologian enough to say what ethics it teaches, if it teaches any. It is, to me, simply a philosophical statement of grief,—a religious statement of hope and consolation. If there be a more devout poem in any language, I have yet to hear of it.

I wish that Tennyson had not written "Maud," or, if he must write it, I wish that he had not published it. It is, in a certain sense, such a study as he undertook in "The Lover's Tale,"—a study of overmastering passion, which in this instance is steeped through and through with bitterness and morbidness. "Locksley Hall" showed us what he could do in this direction, and surely "Locksley Hall" was enough. That he was eighteen years over "Maud" proves tenacity of purpose, but not wisdom of intention: if he had been eighteen hundred years over it he could never have made it a good poem. I wish it could be blotted out of his writings,—wish it so heartily that I would even give up the garden song, which is the only noble thing in it. We do not want a nineteenth-century *Hamlet*, and if we did it is not to Tennyson that we should look as his creator. I also wish,—for while I am about it I may as well free my mind as not,—I also wish that Tennyson had not written "Queen Mary" and "Harold." They do not detract from his reputation, except with the

unthinking, for good work at one time is not destroyed by bad work at another time, but they add nothing to it. We read them as we read Byron's tragedies, and are impressed by their poetic, but not by their dramatic, quality: all that can be done by sheer force of intellect has been done and the result is disappointment. Tennyson lacks the dramatic faculty, but he possesses a faculty which is sometimes mistaken for it—the representative faculty. It is present in "Ulysses" and "St. Simeon Stylites." It is also present, in a provincial form, in "The Northern Farmer" and "The Northern Cobbler," which may be clever character studies, but which certainly are not dramatic poems. The Tennyson who wrote them is not the Tennyson who wrote "Œnone," "The Lotus Eaters," "The Day Dream," and "The Talking Oak," but a very different man, who is far less sure of his genius, and much more ambitious. He has lost his perception of the beautiful, which he worshiped in youth beyond all the poets of his time, and has consoled himself in age by determined devotion to the characteristic. It is to this grim spirit, this Moloch, that we owe his "Northern Cobblers" and his "Rizpahs," which are poetic in form but without the poetic spirit; are of the Flemish school, and not good art of that school, coarse, repulsive, hateful.

Such are the conclusions which I have reached in this imperfect study of Tennyson, and if the reader will be good enough to gather up the scattered hints that I have dropped therein, and allow these hints to impress him as they have impressed me, he can decide for himself Tennyson's place among the English poets. What his qualities are, I have tried to indicate: what posterity will think of them, and of him, our children's children will decide.

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AUGUST, 1881.

THE CHRISTIAN RELIGION.

ROBERT G. INGERSOLL. JEREMIAH S. BLACK.

MR. INGERSOLL.

In the presence of eternity the mountains are as transient as the clouds.

A PROFOUND change has taken place in the world of thought. The pews are trying to set themselves somewhat above the pulpit. The layman discusses theology with the minister, and smiles. Christians excuse themselves for belonging to the church, by denying a part of the creed. The idea is abroad that they who know the most of nature believe the least about theology. The sciences are regarded as infidels, and facts as scoffers. Thousands of most excellent people avoid churches, and, with few exceptions, only those attend prayer-meetings who wish to be alone. The pulpit is losing because the people are growing.

Of course it is still claimed that we are a Christian people, indebted to something called Christianity for all the progress we have made. There is still a vast difference of opinion as to what Christianity really is, although many warring sects have been discussing that question, with fire and sword, through centuries of creed and crime. Every new sect has been denounced at its birth as illegitimate, as a something born out of orthodox wedlock, and that should have been allowed to perish on the steps

where it was found. Of the relative merits of the various denominations, it is sufficient to say that each claims to be right. Among the evangelical churches there is a substantial agreement upon what they consider the fundamental truths of the gospel. These fundamental truths, as I understand them, are:

That there is a personal God, the creator of the material universe; that he made man of the dust, and woman from part of the man; that the man and woman were tempted by the devil; that they were turned out of the garden of Eden; that, about fifteen hundred years afterward, God's patience having been exhausted by the wickedness of mankind, he drowned his children with the exception of eight persons; that afterward he selected from their descendants Abraham, and through him the Jewish people; that he gave laws to these people, and tried to govern them in all things; that he made known his will in many ways; that he wrought a vast number of miracles; that he inspired men to write the Bible; that, in the fullness of time, it having been found impossible to reform mankind, this God came upon earth as a child born of the Virgin Mary; that he lived in Palestine; that he preached for about three years, going from place to place, occasionally raising the dead, curing the blind and the halt; that he was crucified—for the crime of blasphemy, as the Jews supposed, but that, as a matter of fact, he was offered as a sacrifice for the sins of all who might have faith in him; that he was raised from the dead and ascended into heaven, where he now is, making intercession for his followers; that he will forgive the sins of all who believe on him, and that those who do not believe will be consigned to the dungeons of eternal pain. These—it may be with the addition of the sacraments of Baptism and the Last Supper—constitute what is generally known as the Christian religion.

It is most cheerfully admitted that a vast number of people not only believe these things, but hold them in exceeding reverence, and imagine them to be of the utmost importance to mankind. They regard the Bible as the only light that God has given for the guidance of his children; that it is the one star in nature's sky—the foundation of all morality, of all law, of all order, and of all individual and national progress. They regard it as the only means we have for ascertaining the will of God, the origin of man, and the destiny of the soul.

It is needless to inquire into the causes that have led so many people to believe in the inspiration of the Scriptures. In my

opinion, they were and are mistaken, and the mistake has hindered, in countless ways, the civilization of man. The Bible has been the fortress and defense of nearly every crime. No civilized country could reënact its laws, and in many respects its moral code is abhorrent to every good and tender man. It is admitted that many of its precepts are pure, that many of its laws are wise and just, and that many of its statements are absolutely true.

Without desiring to hurt the feelings of anybody, I propose to give a few reasons for thinking that a few passages, at least, in the Old Testament are the product of a barbarous people.

In all civilized countries it is not only admitted, but it is passionately asserted, that slavery is and always was a hideous crime; that a war of conquest is simply murder; that polygamy is the enslavement of woman, the degradation of man, and the destruction of home; that nothing is more infamous than the slaughter of decrepit men, of helpless women, and of prattling babes; that captured maidens should not be given to soldiers; that wives should not be stoned to death on account of their religious opinions, and that the death penalty ought not to be inflicted for a violation of the Sabbath. We know that there was a time, in the history of almost every nation, when slavery, polygamy, and wars of extermination were regarded as divine institutions; when women were looked upon as beasts of burden, and when, among some people, it was considered the duty of the husband to murder the wife for differing with him on the subject of religion. Nations that entertain these views to-day are regarded as savage, and, probably, with the exception of the South Sea islanders, the Feejees, some citizens of Delaware, and a few tribes in Central Africa, no human beings can be found degraded enough to agree upon these subjects with the Jehovah of the ancient Jews. The only evidence we have, or can have, that a nation has ceased to be savage is the fact that it has abandoned these doctrines. To every one, except the theologian, it is perfectly easy to account for the mistakes, atrocities, and crimes of the past, by saying that civilization is a slow and painful growth; that the moral perceptions are cultivated through ages of tyranny, of want, of crime, and of heroism; that it requires centuries for man to put out the eyes of self and hold in lofty and in equal poise the scales of justice; that conscience is born of suffering; that mercy is the child of the imagination—of the power to put oneself in the sufferer's place, and that man advances only as he becomes acquainted with

his surroundings, with the mutual obligations of life, and learns to take advantage of the forces of nature.

But the believer in the inspiration of the Bible is compelled to declare that there was a time when slavery was right—when men could buy, and women could sell, their babes. He is compelled to insist that there was a time when polygamy was the highest form of virtue; when wars of extermination were waged with the sword of mercy; when religious toleration was a crime, and when death was the just penalty for having expressed an honest thought. He must maintain that Jehovah is just as bad now as he was four thousand years ago, or that he was just as good then as he is now, but that human conditions have so changed that slavery, polygamy, religious persecutions, and wars of conquest are now perfectly devilish. Once they were right—once they were commanded by God himself; now, they are prohibited. There has been such a change in the conditions of man that, at the present time, the devil is in favor of slavery, polygamy, religious persecution, and wars of conquest. That is to say, the devil entertains the same opinion to-day that Jehovah held four thousand years ago, but in the meantime Jehovah has remained exactly the same—changeless and incapable of change.

We find that other nations beside the Jews had similar laws and ideas; that they believed in and practiced slavery and polygamy, murdered women and children, and exterminated their neighbors to the extent of their power. It is not claimed that they received a revelation. It is admitted that they had no knowledge of the true God. And yet, by a strange coincidence, they practiced the same crimes, of their own motion, that the Jews did by the command of Jehovah. From this it would seem that man can do wrong without a special revelation.

It will hardly be claimed, at this day, that the passages in the Bible upholding slavery, polygamy, war, and religious persecution are evidences of the inspiration of that book. Suppose that there had been nothing in the Old Testament upholding these crimes, would any modern Christian suspect that it was not inspired, on account of the omission? Suppose that there had been nothing in the Old Testament but laws in favor of these crimes, would any intelligent Christian now contend that it was the work of the true God? If the devil had inspired a book, will some believer in the doctrine of inspiration tell us in what respect, on the subjects of slavery, polygamy, war, and

liberty, it would have differed from some parts of the Old Testament? Suppose that we should now discover a Hindu book of equal antiquity with the Old Testament, containing a defense of slavery, polygamy, wars of extermination, and religious persecution, would we regard it as evidence that the writers were inspired by an infinitely wise and merciful God? As most other nations at that time practiced these crimes, and as the Jews would have practiced them all, even if left to themselves, one can hardly see the necessity of any inspired commands upon these subjects. Is there a believer in the Bible who does not wish that God, amid the thunders and lightnings of Sinai, had distinctly said to Moses that man should not own his fellow-man; that women should not sell their babes; that men should be allowed to think and investigate for themselves, and that the sword should never be unsheathed to shed the blood of honest men? Is there a believer, in the world, who would not be delighted to find that every one of these infamous passages are interpolations, and that the skirts of God were never reddened by the blood of maiden, wife, or babe? Is there a believer who does not regret that God commanded a husband to stone his wife to death for suggesting the worship of the sun or moon? Surely, the light of experience is enough to tell us that slavery is wrong, that polygamy is infamous, and that murder is not a virtue. No one will now contend that it was worth God's while to impart the information to Moses, or to Joshua, or to anybody else, that the Jewish people might purchase slaves of the heathen, or that it was their duty to exterminate the natives of the Holy Land. The deists have contended that the Old Testament is too cruel and barbarous to be the work of a wise and loving God. To this, the theologians have replied, that nature is just as cruel; that the earthquake, the volcano, the pestilence and storm, are just as savage as the Jewish God; and to my mind this is a perfect answer.

Suppose that we knew that after "inspired" men had finished the Bible, the devil got possession of it, and wrote a few passages; what part of the sacred Scriptures would Christians now pick out as being probably his work? Which of the following passages would naturally be selected as having been written by the devil—"Love thy neighbor as thyself," or, "Kill all the males among the little ones, and kill every woman; but all the women children keep alive for yourselves"?

It may be that the best way to illustrate what I have said of the Old Testament is to compare some of the supposed teachings of Jehovah with those of persons who never read an "inspired" line, and who lived and died without having received the light of revelation. Nothing can be more suggestive than a comparison of the ideas of Jehovah—the inspired words of the one claimed to be the infinite God, as recorded in the Bible—with those that have been expressed by men who, all admit, received no help from heaven.

In all ages of which any record has been preserved, there have been those who gave their ideas of justice, charity, liberty, love, and law. Now, if the Bible is really the work of God, it should contain the grandest and sublimest truths. It should, in all respects, excel the works of man. Within that book should be found the best and loftiest definitions of justice; the truest conceptions of human liberty; the clearest outlines of duty; the tenderest, the highest, and the noblest thoughts,—not that the human mind has produced, but that the human mind is capable of receiving. Upon every page should be found the luminous evidence of its divine origin. Unless it contains grander and more wonderful things than man has written, we are not only justified in saying, but we are compelled to say, that it was written by no being superior to man. It may be said that it is unfair to call attention to certain bad things in the Bible, while the good are not so much as mentioned. To this it may be replied that a divine being would not put bad things in a book. Certainly a being of infinite intelligence, power, and goodness could never fall below the ideal of "depraved and barbarous" man. It will not do, after we find that the Bible upholds what we now call crimes, to say that it is not verbally inspired. If the words are not inspired, what is? It may be said that the thoughts are inspired. But this would include only the thoughts expressed without words. If ideas are inspired, they must be contained in and expressed only by inspired words; that is to say, the arrangement of the words, with relation to each other, must have been inspired. For the purpose of this perfect arrangement, the writers, according to the Christian world, were inspired. Were some sculptor inspired of God to make a statue perfect in its every part, we would not say that the marble was inspired, but the statue—the relation of part to part, the married harmony of form and function. The language, the words, take the place of the marble, and it is the arrangement of these words that Chris-

tians claim to be inspired. If there is one uninspired word,—that is, one word in the wrong place, or a word that ought not to be there,—to that extent the Bible is an uninspired book. The moment it is admitted that some words are not, in their arrangement as to other words, inspired, then, unless with absolute certainty these words can be pointed out, a doubt is cast on all the words the book contains. If it was worth God's while to make a revelation to man at all, it was certainly worth his while to see to it that it was correctly made. He would not have allowed the ideas and mistakes of pretended prophets and designing priests to become so mingled with the original text that it is impossible to tell where he ceased and where the priests and prophets began. Neither will it do to say that God adapted his revelation to the prejudices of mankind. Of course it was necessary for an infinite being to adapt his revelation to the intellectual capacity of man; but why should God confirm a barbarian in his prejudices? Why should he fortify a heathen in his crimes? If a revelation is of any importance whatever, it is to eradicate prejudices from the human mind. It should be a lever with which to raise the human race. Theologians have exhausted their ingenuity in finding excuses for God. It seems to me that they would be better employed in finding excuses for men. They tell us that the Jews were so cruel and ignorant that God was compelled to justify, or nearly to justify, many of their crimes, in order to have any influence with them whatever. They tell us that if he had declared slavery and polygamy to be criminal, the Jews would have refused to receive the ten commandments. They insist that, under the circumstances, God did the best he could; that his real intention was to lead them along slowly, step by step, so that, in a few hundred years, they would be induced to admit that it was hardly fair to steal a babe from its mother's breast. It has always seemed reasonable that an infinite God ought to have been able to make man grand enough to know, even without a special revelation, that it is not altogether right to steal the labor, or the wife, or the child, of another. When the whole question is thoroughly examined, the world will find that Jehovah had the prejudices, the hatreds, and superstitions of his day.

If there is anything of value, it is liberty. Liberty is the air of the soul, the sunshine of life. Without it the world is a prison and the universe an infinite dungeon.

If the Bible is really inspired, Jehovah commanded the Jewish people to buy the children of the strangers that sojourned among them, and ordered that the children thus bought should be an inheritance for the children of the Jews, and that they should be bondmen and bondwomen forever. Yet Epictetus, a man to whom no revelation was ever made, a man whose soul followed only the light of nature, and who had never heard of the Jewish God, was great enough to say: "Will you not remember that your servants are by nature your brothers, the children of God? In saying that you have bought them, you look down on the earth, and into the pit, on the wretched law of men long since dead, but you see not the laws of the gods."

We find that Jehovah, speaking to his chosen people, assured them that their bondmen and their bondmaids must be "of the heathen that were round about them." "Of them," said Jehovah, "shall ye buy bondmen and bondmaids." And yet Cicero, a pagan, Cicero, who had never been enlightened by reading the Old Testament, had the moral grandeur to declare: "They who say that we should love our fellow-citizens, but not foreigners, destroy the universal brotherhood of mankind, with which benevolence and justice would perish forever."

If the Bible is inspired, Jehovah, God of all worlds, actually said: "And if a man smite his servant or his maid with a rod, and he die under his hand, he shall be surely punished; notwithstanding, if he continue a day or two, he shall not be punished, for he is his money." And yet Zeno, founder of the Stoics, centuries before Christ was born, insisted that no man could be the owner of another, and that the title was bad, whether the slave had become so by conquest, or by purchase. Jehovah ordered a Jewish general to make war, and gave, among others, this command: "When the Lord thy God shall drive them before thee, thou shalt smite them and utterly destroy them; thou shalt make no covenant with them, nor show mercy unto them." And yet Epictetus, whom we have already quoted, gave this marvelous rule for the guidance of human conduct: "Live with thy inferiors as thou wouldst have thy superiors live with thee."

Is it possible, after all, that a being of infinite goodness and wisdom said: "I will heap mischief upon them; I will send mine arrows upon them; they shall be burned with hunger, and devoured with burning heat, and with bitter destruction. I will

send the tooth of beasts upon them, with the poison of serpents of the dust. The sword without, and terror within, shall destroy both the young man and the virgin, the suckling, also, with the man of gray hairs"; while Seneca, an uninspired Roman, said: "The wise man will not pardon any crime that ought to be punished, but he will accomplish, in a nobler way, all that is sought in pardoning. He will spare some and watch over some, because of their youth, and others on account of their ignorance. His clemency will not fall short of justice, but will fulfill it perfectly."

Can we believe that God ever said of any one: "Let his children be fatherless and his wife a widow; let his children be continually vagabonds, and beg; let them seek their bread also out of their desolate places; let the extortioner catch all that he hath and let the stranger spoil his labor; let there be none to extend mercy unto him, neither let there be any to favor his fatherless children." If he ever said these words, surely he had never heard this line, this strain of music, from the Hindu: "Sweet is the lute to those who have not heard the prattle of their own children."

Jehovah, "from the clouds and darkness of Sinai," said to the Jews: "Thou shalt have no other gods before me. . . . Thou shalt not bow down thyself to them nor serve them; for I, the Lord thy God, am a jealous God, visiting the iniquities of the fathers upon the children, unto the third and fourth generation of them that hate me." Contrast this with the words put by the Hindu in the mouth of Brahma: "I am the same to all mankind. They who honestly serve other gods, involuntarily worship me. I am he who partaketh of all worship, and I am the reward of all worshipers."

Compare these passages. The first, a dungeon where crawl the things begot of jealous slime; the other, great as the domed firmament inlaid with suns.

II.

WAIVING the contradictory statements in the various books of the New Testament; leaving out of the question the history of the manuscripts; saying nothing about the errors in translation and the interpolations made by the fathers; and admitting, for the time being, that the books were all written at the

times claimed, and by the persons whose names they bear, the questions of inspiration, probability, and absurdity still remain.

As a rule, where several persons testify to the same transaction, while agreeing in the main points, they will disagree upon many minor things, and such disagreement upon minor matters is generally considered as evidence that the witnesses have not agreed among themselves upon the story they should tell. These differences in statement we account for from the facts that all did not see alike, that all did not have the same opportunity for seeing, and that all had not equally good memories. But when we claim that the witnesses were inspired, we must admit that he who inspired them did know exactly what occurred, and consequently there should be no contradiction, even in the minutest detail. The accounts should be not only substantially, but they should be actually, the same. It is impossible to account for any differences, or any contradictions, except from the weaknesses of human nature, and these weaknesses cannot be predicated of divine wisdom. Why should there be more than one correct account of anything? Why were four gospels necessary? One inspired record of all that happened ought to be enough.

One great objection to the Old Testament is the cruelty said to have been commanded by God, but all the cruelties recounted in the Old Testament ceased with death. The vengeance of Jehovah stopped at the portal of the tomb. He never threatened to avenge himself upon the dead; and not one word, from the first mistake in Genesis to the last curse of Malachi, contains the slightest intimation that God will punish in another world. It was reserved for the New Testament to make known the frightful doctrine of eternal pain. It was the teacher of universal benevolence who rent the veil between time and eternity, and fixed the horrified gaze of man on the lurid gulfs of hell. Within the breast of non-resistance was coiled the worm that never dies.

One great objection to the New Testament is that it bases salvation upon belief. This, at least, is true of the Gospel according to John, and of many of the epistles. I admit that Matthew never heard of the atonement, and died utterly ignorant of the scheme of salvation. I also admit that Mark never dreamed that it was necessary for a man to be born again; that he knew nothing of the mysterious doctrine of regeneration, and that he never even suspected that it was necessary to believe anything. In the sixteenth chapter of Mark, we are told that "He that

believeth and is baptized shall be saved, but he that believeth not shall be damned"; but this passage has been shown to be an interpolation, and, consequently, not a solitary word is found in the Gospel according to Mark upon the subject of salvation by faith. The same is also true of the Gospel of Luke. It says not one word as to the necessity of believing on Jesus Christ, not one word as to the atonement, not one word upon the scheme of salvation, and not the slightest hint that it is necessary to believe anything here in order to be happy hereafter.

And I here take occasion to say, that with most of the teachings of the gospels of Matthew, Mark, and Luke I most heartily agree. The miraculous parts must, of course, be thrown aside. I admit that the necessity of belief, the atonement, and the scheme of salvation are all set forth in the Gospel of John,—a gospel, in my opinion, not written until long after the others.

According to the prevailing Christian belief, the Christian religion rests upon the doctrine of the atonement. If this doctrine is without foundation, if it is repugnant to justice and mercy, the fabric falls. We are told that the first man committed a crime for which all his posterity are responsible,—in other words, that we are accountable, and can be justly punished for a sin we never in fact committed. This absurdity was the father of another, namely, that a man can be rewarded for a good action done by another. God, according to the modern theologians, made a law, with the penalty of eternal death for its infraction. All men, they say, have broken that law. In the economy of heaven, this law had to be vindicated. This could be done by damning the whole human race. Through what is known as the atonement, the salvation of a few was made possible. They insist that the law—whatever that is—demanded the extreme penalty, that justice called for its victims, and that even mercy ceased to plead. Under these circumstances, God, by allowing the innocent to suffer, satisfactorily settled with the law, and allowed a few of the guilty to escape. The law was satisfied with this arrangement. To carry out this scheme, God was born as a babe into this world. "He grew in stature and increased in knowledge." At the age of thirty-three, after having lived a life filled with kindness, charity, and nobility, after having practiced every virtue, he was sacrificed as an atonement for man. It is claimed that he actually took our place, and bore our sins and our guilt; that in this way the justice of God was satisfied, and that the

blood of Christ was an atonement, an expiation, for the sins of all who might believe on him.

Under the Mosaic dispensation, there was no remission of sin except through the shedding of blood. If a man committed certain sins, he must bring to the priest a lamb, a bullock, a goat, or a pair of turtle-doves. The priest would lay his hands upon the animal, and the sin of the man would be transferred. Then the animal would be killed in the place of the real sinner, and the blood thus shed and sprinkled upon the altar would be an atonement. In this way Jehovah was satisfied. The greater the crime, the greater the sacrifice—the more blood, the greater the atonement. There was always a certain ratio between the value of the animal and the enormity of the sin. The most minute directions were given about the killing of these animals, and about the sprinkling of their blood. Every priest became a butcher, and every sanctuary a slaughter-house. Nothing could be more utterly shocking to a refined and loving soul. Nothing could have been better calculated to harden the heart than this continual shedding of innocent blood. This terrible system is supposed to have culminated in the sacrifice of Christ. His blood took the place of all other. It is necessary to shed no more. The law at last is satisfied, satiated, surfeited. The idea that God wants blood is at the bottom of the atonement, and rests upon the most fearful savagery. How can sin be transferred from men to animals, and how can the shedding of the blood of animals atone for the sins of men?

The Church says that the sinner is in debt to God, and that the obligation is discharged by the Saviour. The best that can possibly be said of such a transaction is, that the debt is transferred, not paid. The truth is, that a sinner is in debt to the person he has injured. If a man injures his neighbor, it is not enough for him to get the forgiveness of God, but he must have the forgiveness of his neighbor. If a man puts his hand in the fire and God forgives him, his hand will smart exactly the same. You must, after all, reap what you sow. No god can give you wheat when you sow tares, and no devil can give you tares when you sow wheat.

There are in nature neither rewards nor punishments—there are consequences. The life of Christ is worth its example, its moral force, its heroism of benevolence.

To make innocence suffer is the greatest sin; how then is it possible to make the suffering of the innocent a justification for

the criminal? Why should a man be willing to let the innocent suffer for him? Does not the willingness show that he is utterly unworthy of the sacrifice? Certainly, no man would be fit for heaven who would consent that an innocent person should suffer for his sin. What would we think of a man who would allow another to die for a crime that he himself had committed? What would we think of a law that allowed the innocent to take the place of the guilty? Is it possible to vindicate a just law by inflicting punishment on the innocent? Would not that be a second violation instead of a vindication?

If there was no general atonement until the crucifixion of Christ, what became of the countless millions who died before that time? And it must be remembered that the blood shed by the Jews was not for other nations. Jehovah hated foreigners. The Gentiles were left without forgiveness. What has become of the millions who have died since, without having heard of the atonement? What becomes of those who have heard but have not believed? It seems to me that the doctrine of the atonement is absurd, unjust, and immoral. Can a law be satisfied by the execution of the wrong person? When a man commits a crime, the law demands his punishment, not that of a substitute; and there can be no law, human or divine, that can be satisfied by the punishment of a substitute. Can there be a law that demands that the guilty be rewarded? And yet, to reward the guilty is far nearer justice than to punish the innocent.

According to the orthodox theology, there would have been no heaven had no atonement been made. All the children of men would have been cast into hell forever. The old men bowed with grief, the smiling mothers, the sweet babes, the loving maidens, the brave, the tender, and the just, would have been given over to eternal pain. Man, it is claimed, can make no atonement for himself. If he commits one sin, and with that exception lives a life of perfect virtue, still that one sin would remain unexpiated, unatoned, and for that one sin he would be forever lost. To be saved by the goodness of another, to be a redeemed debtor forever, has in it something repugnant to manhood.

We must also remember that Jehovah took special charge of the Jewish people; and we have always been taught that he did so for the purpose of civilizing them. If he had succeeded in civilizing the Jews, he would have made the damnation of the

entire human race a certainty; because, if the Jews had been a civilized people when Christ appeared,—a people whose hearts had not been hardened by the laws and teachings of Jehovah,—they would not have crucified him, and, as a consequence, the world would have been lost. If the Jews had believed in religious freedom,—in the right of thought and speech,—not a human soul could ever have been saved. If, when Christ was on his way to Calvary, some brave, heroic soul had rescued him from the holy mob, he would not only have been eternally damned for his pains, but would have rendered impossible the salvation of any human being; and, except for the crucifixion of her son, the Virgin Mary, if the church is right, would be to-day among the lost.

In countless ways the Christian world has endeavored, for nearly two thousand years, to explain the atonement, and every effort has ended in an admission that it cannot be understood, and a declaration that it must be believed. Is it not immoral to teach that man can sin, that he can harden his heart and pollute his soul, and that, by repenting and believing something that he does not comprehend, he can avoid the consequences of his crimes? Has the promise and hope of forgiveness ever prevented the commission of a sin? Should men be taught that sin gives happiness here; that they ought to bear the evils of a virtuous life in this world for the sake of joy in the next; that they can repent between the last sin and the last breath; that after repentance every stain of the soul is washed away by the innocent blood of another; that the serpent of regret will not hiss in the ear of memory; that the saved will not even pity the victims of their own crimes; that the goodness of another can be transferred to them; and that sins forgiven cease to affect the unhappy wretches sinned against?

Another objection is that a certain belief is necessary to save the soul. It is often asserted that to believe is the only safe way. If you wish to be safe, be honest. Nothing can be safer than that. No matter what his belief may be, no man, even in the hour of death, can regret having been honest. It never can be necessary to throw away your reason to save your soul. A soul without reason is scarcely worth saving. There is no more degrading doctrine than that of mental non-resistance. The soul has a right to defend its castle—the brain, and he who waives that right becomes a serf and slave. Neither can I

admit that a man, by doing me an injury, can place me under obligation to do him a service. To render benefits for injuries is to ignore all distinctions between actions. He who treats his friends and enemies alike has neither love nor justice. The idea of non-resistance never occurred to a man with power to protect himself. This doctrine was the child of weakness, born when resistance was impossible. To allow a crime to be committed when you can prevent it, is next to committing the crime yourself. And yet, under the banner of non-resistance, the Church has shed the blood of millions, and in the folds of her sacred vestments have gleamed the daggers of assassination. With her cunning hands she wove the purple for hypocrisy, and placed the crown upon the brow of crime. For a thousand years larceny held the scales of justice, while beggars scorned the princely sons of toil, and ignorant fear denounced the liberty of thought.

If Christ was in fact God, he knew all the future. Before him, like a panorama, moved the history yet to be. He knew exactly how his words would be interpreted. He knew what crimes, what horrors, what infamies, would be committed in his name. He knew that the fires of persecution would climb around the limbs of countless martyrs. He knew that brave men would languish in dungeons, in darkness, filled with pain; that the Church would use instruments of torture, that his followers would appeal to whip and chain. He must have seen the horizon of the future red with the flames of the *auto da fé*. He knew all the creeds that would spring like poison fungi from every text. He saw the sects waging war against each other. He saw thousands of men, under the orders of priests, building dungeons for their fellow-men. He saw them using instruments of pain. He heard the groans, saw the faces white with agony, the tears, the blood—heard the shrieks and sobs of all the moaning, martyred multitudes. He knew that commentaries would be written on his words with swords, to be read by the light of fagots. He knew that the Inquisition would be born of teachings attributed to him. He saw all the interpolations and falsehoods that hypocrisy would write and tell. He knew that above these fields of death, these dungeons, these burnings, for a thousand years would float the dripping banner of the cross. He knew that in his name his followers would trade in human flesh, that cradles would be robbed, and women's breasts unbabed for gold, and yet he died with voiceless lips. Why did he fail to speak?

Why did he not tell his disciples, and through them the world, that man should not persecute, for opinion's sake, his fellow-man? Why did he not cry, You shall not persecute in my name; you shall not burn and torment those who differ from you in creed? Why did he not plainly say, I am the Son of God? Why did he not explain the doctrine of the trinity? Why did he not tell the manner of baptism that was pleasing to him? Why did he not say something positive, definite, and satisfactory about another world? Why did he not turn the tear-stained hope of heaven to the glad knowledge of another life? Why did he go dumbly to his death, leaving the world to misery and to doubt?

He came, they tell us, to make a revelation, and what did he reveal? "Love thy neighbor as thyself"? That was in the Old Testament. "Love God with all thy heart"? That was in the Old Testament. "Return good for evil"? That was said by Buddha seven hundred years before he was born. "Do unto others as ye would that they should do unto you"? This was the doctrine of Laotse. Did he come to give a rule of action? Zoroaster had done this long before: "Whenever thou art in doubt as to whether an action is good or bad, abstain from it." Did he come to teach us of another world? The immortality of the soul had been taught by Hindus, Egyptians, Greeks, and Romans hundreds of years before he was born. Long before, the world had been told by Socrates that: "One who is injured ought not to return the injury, for on no account can it be right to do an injustice; and it is not right to return an injury, or to do evil to any man, however much we may have suffered from him." And Cicero had said: "Let us not listen to those who think that we ought to be angry with our enemies, and who believe this to be great and manly: nothing is more praiseworthy, nothing so clearly shows a great and noble soul, as clemency and readiness to forgive."

Is there anything nearer perfect than this from Confucius: "For benefits return benefits; for injuries return justice without any admixture of revenge"?

The dogma of eternal punishment rests upon passages in the New Testament. This infamous belief subverts every idea of justice. Around the angel of immortality the Church has coiled this serpent. A finite being can neither commit an infinite sin, nor a sin against the infinite. A being of infinite goodness and wisdom has no right, according to the human standard of justice,

to create any being destined to suffer eternal pain. A being of infinite wisdom would not create a failure, and surely a man destined to everlasting agony is not a success.

How long, according to the universal benevolence of the New Testament, can a man be reasonably punished in the next world for failing to believe something unreasonable in this? Can it be possible that any punishment can endure forever? Suppose that every flake of snow that ever fell was a figure nine, and that the first flake was multiplied by the second, and that product by the third, and so on to the last flake. And then suppose that this total should be multiplied by every drop of rain that ever fell, calling each drop a figure nine; and that total by each blade of grass that ever helped to weave a carpet for the earth, calling each blade a figure nine; and that again by every grain of sand on every shore, so that the grand total would make a line of nines so long that it would require millions upon millions of years for light, traveling at the rate of one hundred and eighty-five thousand miles per second, to reach the end. And suppose, further, that each unit in this almost infinite total stood for billions of ages—still that vast and almost endless time, measured by all the years beyond, is as one flake, one drop, one leaf, one blade, one grain, compared with all the flakes, and drops, and leaves, and blades, and grains.

Upon love's breast the Church has placed the eternal asp.

And yet, in the same book in which is taught this most infamous of doctrines, we are assured that "The Lord is good to all, and his tender mercies are over all his works."

III.

So far as we know, man is the author of all books. If a book had been found on the earth by the first man, he might have regarded it as the work of God; but as men were here a good while before any books were found, and as man has produced a great many books, the probability is that the Bible is no exception.

Most nations, at the time the Old Testament was written, believed in slavery, polygamy, wars of extermination, and religious persecution; and it is not wonderful that the book contained nothing contrary to such belief. The fact that it was in exact accord with the morality of its time proves that it was not the

product of any being superior to man. "The inspired writers" upheld or established slavery, countenanced polygamy, commanded wars of extermination, and ordered the slaughter of women and babes. In these respects they were precisely like the uninspired savages by whom they were surrounded. They also taught and commanded religious persecution as a duty, and visited the most trivial offenses with the punishment of death. In these particulars they were in exact accord with their barbarian neighbors. They were utterly ignorant of geology and astronomy, and knew no more of what had happened than of what would happen; and, so far as accuracy is concerned, their history and prophecy were about equal; in other words, they were just as ignorant as those who lived and died in nature's night.

Does any Christian believe that if God were to write a book now, he would uphold the crimes commanded in the Old Testament? Has Jehovah improved? Has infinite mercy become more merciful? Has infinite wisdom intellectually advanced? Will any one claim that the passages upholding slavery have liberated mankind; that we are indebted for our modern homes to the texts that made polygamy a virtue; or that religious liberty found its soil, its light, and rain in the infamous verse wherein the husband is commanded to stone to death the wife for worshiping an unknown God?

The usual answer to these objections is that no country has ever been civilized without the Bible.

The Jews were the only people to whom Jehovah made his will directly known,—the only people who had the Old Testament. Other nations were utterly neglected by their Creator. Yet, such was the effect of the Old Testament on the Jews, that they crucified a kind, loving, and perfectly innocent man. They could not have done much worse without a Bible. In the crucifixion of Christ, they followed the teachings of his Father. If, as it is now alleged by the theologians, no nation can be civilized without a Bible, certainly God must have known the fact six thousand years ago, as well as the theologians know it now. Why did he not furnish every nation with a Bible?

As to the Old Testament, I insist that all the bad passages were written by men; that those passages were not inspired. I insist that a being of infinite goodness never commanded man to enslave his fellow-man, never told a mother to sell her babe, never established polygamy, never ordered one nation to extermi-

nate another, and never told a husband to kill his wife because she suggested the worshiping of some other God.

I also insist that the Old Testament would be a much better book with all of these passages left out; and, whatever may be said of the rest, the passages to which attention has been drawn can with vastly more propriety be attributed to a devil than to a god.

Take from the New Testament all passages upholding the idea that belief is necessary to salvation; that Christ was offered as an atonement for the sins of the world; that the punishment of the human soul will go on forever; that heaven is the reward of faith, and hell the penalty of honest investigation; take from it all miraculous stories,—and I admit that all the good passages are true. If they are true, it makes no difference whether they are inspired or not. Inspiration is only necessary to give authority to that which is repugnant to human reason. Only that which never happened needs to be substantiated by miracles. The universe is natural.

The Church must cease to insist that the passages upholding the institutions of savage men were inspired of God. The dogma of the atonement must be abandoned. Good deeds must take the place of faith. The savagery of eternal punishment must be renounced. Credulity is not a virtue, and investigation is not a crime. Miracles are the children of mendacity. Nothing can be more wonderful than the majestic, unbroken, sublime, and eternal procession of causes and effects.

Reason must be the final arbiter. "Inspired" books attested by miracles cannot stand against a demonstrated fact. A religion that does not command the respect of the greatest minds will, in a little while, excite the mockery of all. Every civilized man believes in the liberty of thought. Is it possible that God is intolerant? Is an act infamous in man one of the virtues of the Deity? Could there be progress in heaven without intellectual liberty? Is the freedom of the future to exist only in perdition? Is it not, after all, barely possible that a man acting like Christ can be saved? Is a man to be eternally rewarded for believing according to evidence, without evidence, or against evidence? Are we to be saved because we are good, or because another was virtuous? Is credulity to be winged and crowned, while honest doubt is chained and damned?

Do not misunderstand me. My position is that the cruel passages in the Old Testament are not inspired; that slavery,

polygamy, wars of extermination, and religious persecution always have been, are, and forever will be, abhorred and cursed by the honest, the virtuous, and the loving; that the innocent cannot justly suffer for the guilty, and that vicarious vice and vicarious virtue are equally absurd; that eternal punishment is eternal revenge; that only the natural can happen; that miracles prove the dishonesty of the few and the credulity of the many; and that, according to Matthew, Mark, and Luke, salvation does not depend upon belief, nor the atonement, nor a "second birth," but that these gospels are in exact harmony with the declaration of the great Persian: "Taking the first footstep with the good thought, the second with the good word, and the third with the good deed, I entered paradise."

The dogmas of the past no longer reach the level of the highest thought, nor satisfy the hunger of the heart. While dusty faiths, embalmed and sepulchered in ancient texts, remain the same, the sympathies of men enlarge; the brain no longer kills its young; the happy lips give liberty to honest thoughts; the mental firmament expands and lifts; the broken clouds drift by; the hideous dreams, the foul, misshapen children of the monstrous night, dissolve and fade.

ROBERT G. INGERSOLL.

MR. BLACK.

"Gratiano speaks an infinite deal of nothing, more than any man in all Venice: his reasons are as two grains of wheat hid in two bushels of chaff; you shall seek all day ere you find them; and when you have them, they are not worth the search."—*Merchant of Venice.*

THE request to answer the foregoing paper comes to me, not in the form but with the effect of a challenge, which I cannot decline without seeming to acknowledge that the religion of the civilized world is an absurd superstition, propagated by impostors, professed by hypocrites, and believed only by credulous dupes.

But why should I, an unlearned and unauthorized layman, be placed in such a predicament? The explanation is easy enough. This is no business of the priests. Their prescribed duty is to preach the word, in the full assurance that it will commend itself to all good and honest hearts by its own manifest veracity and

the singular purity of its precepts. They cannot afford to turn away from their proper work, and leave willing hearers uninstructed, while they wrangle in vain with a predetermined opponent. They were warned to expect slander, indignity, and insult, and these are among the evils which they must not resist.

It will be seen that I am assuming no clerical function. I am not out on the forlorn hope of converting Mr. Ingersoll. I am no preacher exhorting a sinner to leave the seat of the scornful and come up to the bench of the penitents. My duty is more analogous to that of the policeman who would silence a rude disturber of the congregation, by telling him that his clamor is false and his conduct an offense against public decency.

Nor is the Church in any danger which calls for the special vigilance of its servants. Mr. Ingersoll thinks that the rock-founded faith of Christendom is giving way before his assaults, but he is grossly mistaken. The first sentence of his essay is a preposterous blunder. It is not true that "a *profound change* has taken place in the world of *thought*," unless a more rapid spread of the Gospel and a more faithful observance of its moral principles can be called so. Its truths are everywhere proclaimed with the power of sincere conviction, and accepted with devout reverence by uncounted multitudes of all classes. Solemn temples rise to its honor in the great cities; from every hill-top in the country you see the church-spire pointing toward heaven, and on Sunday all the paths that lead to it are crowded with worshipers. In nearly all families, parents teach their children that Christ is God, and his system of morality absolutely perfect. This belief lies so deep in the popular heart that, if every written record of it were destroyed to-day, the memory of millions could reproduce it to-morrow. Its earnestness is proved by its works. Wherever it goes it manifests itself in deeds of practical benevolence. It builds, not churches alone, but almshouses, hospitals, and asylums. It shelters the poor, feeds the hungry, visits the sick, consoles the afflicted, provides for the fatherless, comforts the heart of the widow, instructs the ignorant, reforms the vicious, and saves to the uttermost them that are ready to perish. To the common observer, it does not look as if Christianity was making itself ready to be swallowed up by Infidelity. Thus far, at least, the promise has been kept that "the gates of hell shall not prevail against it."

There is, to be sure, a change in the party hostile to religion —not "a *profound* change," but a change entirely superficial— which consists, not in *thought*, but merely in modes of expression and methods of attack. The bad classes of society always hated the doctrine and discipline which reproached their wickedness and frightened them by threats of punishment in another world. Aforetime they showed their contempt of divine authority only by their actions; but now, under new leadership, their enmity against God breaks out into articulate blasphemy. They assemble themselves together, they hear with passionate admiration the bold harangue which ridicules and defies the Maker of the universe; fiercely they rage against the Highest, and loudly they laugh, alike at the justice that condemns, and the mercy that offers to pardon them. The orator who relieves them by assurances of impunity, and tells them that no supreme authority has made any law to control them, is applauded to the echo and paid a high price for his congenial labor; he pockets their money, and flatters himself that he is a great power, profoundly moving "the world of thought."

There is another totally false notion expressed in the opening paragraph, namely, that "they who know most of nature believe the least about theology." The truth is exactly the other way. The more clearly one sees "the grand procession of causes and effects," the more awful his reverence becomes for the author of the "sublime and unbroken" law which links them together. Not self-conceit and rebellious pride, but unspeakable humility, and a deep sense of the measureless distance between the Creator and the creature, fills the mind of him who looks with a rational spirit upon the works of the All-wise One. The heart of Newton repeats the solemn confession of David: "When I consider thy heavens, the work of thy fingers, the moon and the stars which thou hast ordained; what is man that thou art mindful of him, or the son of man that thou visitest him?" At the same time, the lamentable fact must be admitted that "a little learning is a dangerous thing" to some persons. The sciolist with a mere smattering of physical knowledge is apt to mistake himself for a philosopher, and, swelling with his own importance, he gives out, like Simon Magus, "that himself is some great one." His vanity becomes inflamed more and more, until he begins to think he knows all things. He takes every occasion to show his accomplishments by finding fault with the

works of creation and Providence; and this is an exercise in which he cannot long continue without learning to disbelieve in any Being greater than himself. It was to such a person, and not to the unpretending simpleton, that Solomon applied his often quoted aphorism: "The fool hath said in his heart, there is no God." These are what Paul refers to as "vain babblings and the opposition of science, falsely so called"; but they are perfectly powerless to stop or turn aside the great current of human thought on the subject of Christian theology. That majestic stream, supplied from a thousand unfailing fountains, rolls on and will roll forever.

Labitur et labetur in omne volubilis aevum.

Mr. Ingersoll is not, as some have estimated him, the most formidable enemy that Christianity has encountered since the time of Julian the Apostate. But he stands at the head of living infidels, "by merit raised to that bad eminence." His mental organization has the peculiar defects which fit him for such a place. He is all imagination and no discretion. He rises sometimes into a region of wild poetry, where he can color everything to suit himself. His motto well expresses the character of his argumentation—"mountains are as unstable as clouds": a fancy is as good as a fact, and a high-sounding period is rather better than a logical demonstration. His inordinate self-confidence makes him at once ferocious and fearless. He was a practical politician before he "took the stump" against Christianity, and at all times he has proved his capacity to "split the ears of the groundlings," and make the unskillful laugh. The article before us is the least objectionable of all his productions. Its style is higher, and better suited to the weight of the theme. Here the violence of his fierce invective is moderated; his scurrility gives place to an attempt at sophistry less shocking if not more true; and his coarse jokes are either excluded altogether, or else veiled in the decent obscurity of general terms. Such a paper from such a man, at a time like the present, is not wholly unworthy of a grave contradiction.

He makes certain charges which we answer by an explicit denial, and thus an issue is made, upon which, as a pleader would say, we "put ourselves upon the country." He avers that a certain "something called Christianity" is a false faith imposed on the world without evidence; that the facts it pretends to rest on are mere inventions; that its doctrines are pernicious; that

its requirements are unreasonable; and that its sanctions are cruel. I deny all this, and assert, on the contrary, that its doctrines are divinely revealed; its fundamental facts incontestably proved; its morality perfectly free from all taint of error, and its influence most beneficent upon society in general, and upon all individuals who accept it and make it their rule of action.

How shall this be determined? Not by what we call divine revelation, for that would be begging the question; not by sentiment, taste, or temper, for these are as likely to be false as true; but by inductive reasoning from evidence, of which the value is to be measured according to those rules of logic which enlightened and just men everywhere have adopted to guide them in the search for truth. We can appeal only to that rational love of justice, and that detestation of falsehood, which fair-minded persons of good intelligence bring to the consideration of other important subjects when it becomes their duty to decide upon them. In short, I want a decision upon sound judicial principles.

Gibson, the great Chief-Justice of Pennsylvania, once said to certain skeptical friends of his: "Give Christianity a common-law trial; submit the evidence *pro* and *con* to an impartial jury under the direction of a competent court, and the verdict will assuredly be in its favor." This deliverance, coming from the most illustrious judge of his time, not at all given to expressions of sentimental piety, and quite incapable of speaking on any subject for mere effect, staggered the unbelief of those who heard it. I did not know him then, except by his great reputation for ability and integrity, but my thoughts were strongly influenced by his authority, and I learned to set a still higher value upon all his opinions when, in after life, I was honored with his close and intimate friendship.

Let Christianity have a trial on Mr. Ingersoll's indictment, and give us a decision *secundum allegata et probata*. I will confine myself strictly to the record; that is to say, I will meet the accusations contained in this paper, and not those made elsewhere by him or others.

His first specification against Christianity is the belief of its disciples "that there is a personal God, the creator of the material universe." If God made the world it was a most stupendous miracle, and all miracles, according to Mr. Ingersoll's idea, are "the children of mendacity." To admit the one great miracle of creation would be an admission that other miracles are at least

probable, and that would ruin his whole case. But you cannot catch the leviathan of atheism with a hook. The universe, he says, is natural—it came into being of its own accord; it made its own laws at the start, and afterward improved itself considerably by spontaneous evolution. It would be a mere waste of time and space to enumerate the proofs which show that the universe was created by a preëxistent and self-conscious Being, of power and wisdom to us inconceivable. Conviction of the fact (miraculous though it be) forces itself on every one whose mental faculties are healthy and tolerably well balanced. The notion that all things owe their origin and their harmonious arrangement to the fortuitous concurrence of atoms is a kind of lunacy which very few men in these days are afflicted with. I hope I may safely assume it as certain that all, or nearly all, who read this page will have sense and reason enough to see for themselves that the plan of the universe could not have been designed without a Designer, or executed without a Maker.

But Mr. Ingersoll asserts that, at all events, this material world had not a good and beneficent creator; it is a bad, savage, cruel piece of work, with its pestilences, storms, earthquakes, and volcanoes; and man, with his liability to sickness, suffering, and death, is not a success, but, on the contrary, a failure. To defend the Creator of the world against an arraignment so foul as this would be almost as unbecoming as to make the accusation. We have neither jurisdiction nor capacity to rejudge the justice of God. Why man is made to fill this particular place in the scale of creation—a little lower than the angels, yet far above the brutes; not passionless and pure, like the former, nor mere machines, like the latter; able to stand, yet free to fall; knowing the right, and accountable for going wrong; gifted with reason, and impelled by self-love to exercise the faculty—these are questions on which we may have our speculative opinions, but knowledge is out of our reach. Meantime, we do not discredit our mental independence by taking it for granted that the Supreme Being has done all things well. Our ignorance of the whole scheme makes us poor critics upon the small part that comes within our limited perceptions. Seeming defects in the structure of the world may be its most perfect ornament—all apparent harshness the tenderest of mercies.

> "All discord, harmony not understood,
> All partial evil, universal good."

But worse errors are imputed to God as moral ruler of the world than those charged against him as creator. He made man badly, but governed him worse; if the Jehovah of the Old Testament was not merely an imaginary being, then, according to Mr. Ingersoll, he was a prejudiced, barbarous, criminal tyrant. We will see what ground he lays, if any, for these outrageous assertions.

Mainly, principally, first and most important of all, is the unqualified assertion that the "moral code" which Jehovah gave to his people "is in many respects abhorrent to every good and tender man." Does Mr. Ingersoll know what he is talking about? The moral code of the Bible consists of certain immutable rules to govern the conduct of all men, at all times and all places, in their private and personal relations with one another. It is entirely separate and apart from the civil polity, the religious forms, the sanitary provisions, the police regulations, and the system of international law laid down for the special and exclusive observance of the Jewish people. This is a distinction which every intelligent man knows how to make. Has Mr. Ingersoll fallen into the egregious blunder of confounding these things? or, understanding the true sense of his words, is he rash and shameless enough to assert that the moral code of the Bible excites the abhorrence of good men? In fact and in truth, this moral code, which he reviles, instead of being abhorred, is entitled to, and has received, the profoundest respect of all honest and sensible persons. The second table of the Decalogue is a perfect compendium of those duties which every man owes to himself, his family, and his neighbor. In a few simple words, which he can commit to memory almost in a minute, it teaches him to purify his heart from covetousness; to live decently, to injure nobody in reputation, person, or property, and to give every one his own. By the poets, the prophets, and the sages of Israel, these great elements are expanded into a volume of minuter rules, so clear, so impressive, and yet so solemn and so lofty, that no preëxisting system of philosophy can compare with it for a moment. If this vain mortal is not blind with passion, he will see, upon reflection, that he has attacked the Old Testament precisely where it is most impregnable.

Dismissing his groundless charge against the moral code, we come to his strictures on the civil government of the Jews, which he says was so bad and unjust that the Lawgiver by

whom it was established must have been as savagely cruel as the Creator that made storms and pestilences; and the work of both was more worthy of a devil than a god. His language is recklessly bad, very defective in method, and altogether lacking in precision. But, apart from the ribaldry of it, which I do not feel myself bound to notice, I find four objections to the Jewish constitution—not more than four—which are definite enough to admit of an answer. These relate to the provisions of the Mosaic law on the subjects of (1) Blasphemy and Idolatry; (2) War; (3) Slavery; (4) Polygamy. In these respects he pronounces the Jewish system not only unwise but criminally unjust.

Here let me call attention to the difficulty of reasoning about justice with a man who has no acknowledged standard of right and wrong. What is justice? That which accords with law; and the supreme law is the will of God. But I am dealing with an adversary who does not admit that there is a God. Then for him there is no standard at all; one thing is as right as another, and all things are equally wrong. Without a sovereign ruler there is no law, and where there is no law there can be no transgression. It is the misfortune of the atheistic theory that it makes the moral world an anarchy; it refers all ethical questions to that confused tribunal where chaos sits as umpire and "by decision more embroils the fray." But through the whole of this cloudy paper there runs a vein of presumptuous egoism which says as plainly as words can speak it that the author holds *himself* to be the ultimate judge of all good and evil; what he approves is right, and what he dislikes is certainly wrong. Of course I concede nothing to a claim like that. I will not admit that the Jewish constitution is a thing to be condemned merely because he curses it. I appeal from his profane malediction to the conscience of men who have a rule to judge by. Such persons will readily see that his specific objections to the statesmanship which established the civil government of the Hebrew people are extremely shallow, and do not furnish the shade of an excuse for the indecency of his general abuse.

First. He regards the punishments inflicted for blasphemy and idolatry as being immoderately cruel. Considering them merely as religious offenses,—as sins against God alone,—I agree that civil laws should notice them not at all. But sometimes they affect very injuriously certain social rights which it is the duty of the state to protect. Wantonly to shock the religious feelings

of your neighbor is a grievous wrong. To utter blasphemy or obscenity in the presence of a Christian woman is hardly better than to strike her in the face. Still, neither policy nor justice requires them to be ranked among the highest crimes in a government constituted like ours. But things were wholly different under the Jewish theocracy, where God was the personal head of the state. There blasphemy was a breach of political allegiance; idolatry was an overt act of treason; to worship the gods of the hostile heathen was deserting to the public enemy, and giving him aid and comfort. These are crimes which every independent community has always punished with the utmost rigor. In our own very recent history, they were repressed at the cost of more lives than Judea ever contained at any one time.

Mr. Ingersoll not only ignores these considerations, but he goes the length of calling God a religious persecutor and a tyrant because he does not encourage and reward the service and devotion paid by his enemies to the false gods of the pagan world. He professes to believe that all kinds of worship are equally meritorious, and should meet the same acceptance from the true God. It is almost incredible that such drivel as this should be uttered by anybody. But Mr. Ingersoll not only expresses the thought plainly—he urges it with the most extravagant figures of his florid rhetoric. He quotes the first commandment, in which Jehovah claims for himself the exclusive worship of His people, and cites, in contrast, the promise put in the mouth of Brahma, that he will appropriate the worship of all gods to himself, and reward all worshipers alike. These passages being compared, he declares the first "a dungeon, where crawl the things begot of jealous slime"; the other, "great as the domed firmament, inlaid with suns." Why is the living God, whom Christians believe to be the Lord of liberty and Father of lights, denounced as the keeper of a loathsome dungeon? Because he refuses to encourage and reward the worship of Mammon and Moloch, of Belial and Baal; of Bacchus, with its drunken orgies, and Venus, with its wanton obscenities; the bestial religion which degraded the soul of Egypt and the "dark idolatries of alienated Judah," polluted with the moral filth of all the nations round about. Let the reader decide whether this man, entertaining such sentiments and opinions, is fit to be a teacher, or at all likely to lead us in the way we should go.

Second. Under the constitution which God provided for the Jews, they had, like every other nation, the war-making power. They could not have lived a day without it. The right to exist implied the right to repel, with all their strength, the opposing force which threatened their destruction. It is true, also, that in the exercise of this power they did not observe those rules of courtesy and humanity which have been adopted in modern times by civilized belligerents. Why? Because their enemies, being mere savages, did not understand, and would not practice, any rule whatever; and the Jews were bound *ex necessitate rei*—not merely justified by the *lex talionis*—to do as their enemies did. In your treatment of hostile barbarians, you not only may lawfully, but must necessarily, adopt their mode of warfare. If they come to conquer you, they may be conquered by you; if they give no quarter, they are entitled to none; if the death of your whole population be their purpose, you may defeat it by exterminating theirs. This sufficiently answers the silly talk of atheists and semi-atheists about the warlike wickedness of the Jews.

But Mr. Ingersoll positively, and with the emphasis of supreme and all-sufficient authority, declares that "a war of conquest is simply murder." He sustains this proposition by no argument founded in principle. He puts sentiment in place of law, and denounces aggressive fighting because it is offensive to his "tender and refined soul": the atrocity of it is therefore proportioned to the sensibilities of his own heart. He proves war a desperately wicked thing by continually vaunting his own love for small children. Babes—sweet babes—the prattle of babes—are the subjects of his most pathetic eloquence, and his idea of music is embodied in the commonplace expression of a Hindu, that the lute is sweet only to those who have not heard the prattle of their own children. All this is very amiable in him, and the more so, perhaps, as these objects of his affection are the young ones of a race in his opinion miscreated by an evil-working chance. But his *philoprogenitiveness* proves nothing against Jew or Gentile, seeing that all have it in an equal degree, and those feel it most who make the least parade of it. Certainly it gives him no authority to malign the God who implanted it alike in the hearts of us all. But I admit that his benevolence becomes peculiar and ultra when it extends to beasts as well as babes. He is struck with horror by the sacrificial solemnities of the Jewish religion.

"The killing of those animals was," he says, "a terrible system," a "shedding of innocent blood," "shocking to a refined and sensitive soul." There is such a depth of tenderness in this feeling, and such a splendor of refinement, that I give up without a struggle to the superiority of the man who merely professes it. A carnivorous American, full of beef and mutton, who mourns with indignant sorrow because bulls and goats were killed in Judea three thousand years ago, has reached the climax of sentimental goodness, and should be permitted to dictate on all questions of peace and war. Let Grotius, Vattel, and Puffendorf, as well as Moses and the prophets, hide their diminished heads.

But to show how inefficacious, for all practical purposes, a mere sentiment is when substituted for a principle, it is only necessary to recollect that Mr. Ingersoll is himself a warrior who staid not behind the mighty men of his tribe when they gathered themselves together for a war of conquest. He took the lead of a regiment as eager as himself to spoil the Philistines, "and out he went a-coloneling." How many Amalekites, and Hittites, and Amorites he put to the edge of the sword, how many wives he widowed, or how many mothers he "unbabed" cannot now be told. I do not even know how many droves of innocent oxen he condemned to the slaughter. But it is certain that his refined and tender soul took great pleasure in the terror, conflagration, blood, and tears with which the war was attended, and in all the hard oppressions which the conquered people were made to suffer afterward. I do not say that the war was either better or worse for his participation and approval. But if his own conduct (for which he professes neither penitence nor shame) was right, it was right on grounds which make it an inexcusable outrage to call the children of Israel savage criminals for carrying on wars of aggression to save the life of their government. These inconsistencies are the necessary consequence of having no rule of action and no guide for the conscience. When a man throws away the golden metewand of the law which God has provided, and takes the elastic cord of feeling for his measure of righteousness, you cannot tell from day to day what he will think or do.

Third. But Jehovah permitted his chosen people to hold the captives they took in war or purchased from the heathen as servants for life. This was slavery, and Mr. Ingersoll declares that

"in all civilized countries it is not only admitted, but it is passionately asserted, that slavery is, and always was, a hideous crime"; therefore he concludes that Jehovah was a criminal. This would be a *non sequitur*, even if the premises were true. But the premises are false: civilized countries have admitted no such thing. That slavery is a crime, under all circumstances and at all times, is a doctrine first started by the adherents of a political faction in this country, less than forty years ago. They denounced God and Christ for not agreeing with them, in terms very similar to those used here by Mr. Ingersoll. But they did not constitute the civilized world; nor were they, if the truth must be told, a very respectable portion of it. Politically, they were successful; I need not say by what means, or with what effect upon the morals of the country. Doubtless Mr. Ingersoll gets a great advantage by invoking their passions and their interests to his aid, and he knows how to use it. I can only say that, whether American Abolitionism was right or wrong under the circumstances in which we were placed, my faith and my reason both assure me that the infallible God proceeded upon good grounds when he authorized slavery in Judea. Subordination of inferiors to superiors is the groundwork of human society. All improvement of our race, in this world and the next, must come from obedience to some master better and wiser than ourselves. There can be no question that, when a Jew took a neighboring savage for his bond-servant, incorporated him into his family, tamed him, taught him to work, and gave him a knowledge of the true God, he conferred upon him a most beneficent boon.

Fourth. Polygamy is another of his objections to the Mosaic constitution. Strange to say, it is not there. It is neither commanded nor prohibited; it is only discouraged. If Mr. Ingersoll were a statesman instead of a mere politician, he would see good and sufficient reasons for the forbearance to legislate directly upon the subject. It would be improper for me to set them forth here. He knows, probably, that the influence of the Christian Church alone, and without the aid of state enactments, has extirpated this bad feature of Asiatic manners wherever its doctrines were carried. As the Christian faith prevails in any community, in that proportion precisely marriage is consecrated to its true purpose, and all intercourse between the sexes refined and purified. Mr. Ingersoll got his own devotion to the principle of monogamy—his own respect for the highest type of female

character—his own belief in the virtue of fidelity to one good wife—from the example and precept of his Christian parents. I speak confidently, because these are sentiments which do not grow in the heart of the natural man without being planted. Why, then, does he throw polygamy into the face of the religion which abhors it? Because he is nothing if not political. The Mormons believe in polygamy, and the Mormons are unpopular. They are guilty of having not only many wives but much property, and if a war could be hissed up against them, its fruits might be more "gaynefull pilladge than wee doe now conceyve of." It is a cunning maneuver, this, of strengthening atheism by enlisting anti-Mormon rapacity against the God of the Christians. I can only protest against the use he would make of these and other political interests. It is not argument; it is mere stump oratory.

I think I have repelled all of Mr. Ingersoll's accusations against the Old Testament that are worth noticing, and I might stop here. But I will not close upon him without letting him see, at least, some part of the case on the other side.

I do not enumerate in detail the positive proofs which support the authenticity of the Hebrew Bible, though they are at hand in great abundance, because the evidence in support of the new dispensation will establish the verity of the old—the two being so connected together that if one is true the other cannot be false.

When Jesus of Nazareth announced himself to be Christ, the Son of God, in Judea, many thousand persons who heard his words and saw his works believed in his divinity without hesitation. Since the morning of the creation, nothing has occurred so wonderful as the rapidity with which this religion spread itself abroad. Men who were in the noon of life when Jesus was put to death as a malefactor lived to see him worshiped as God by organized bodies of believers in every province of the Roman empire. In a few more years it took complete possession of the general mind, supplanted all other religions, and wrought a radical change in human society. It did this in the face of obstacles which, according to every human calculation, were insurmountable. It was antagonized by all the evil propensities, the sensual wickedness, and the vulgar crimes of the multitude, as well as the polished vices of the luxurious classes; and was most violently opposed even by those sentiments and habits of thought which were esteemed virtuous, such as patriotism and military

heroism. It encountered not only the ignorance and superstition, but the learning and philosophy, the poetry, eloquence, and art of the time. Barbarism and civilization were alike its deadly enemies. The priesthood of every established religion and the authority of every government were arrayed against it. All these, combined together and roused to ferocious hostility, were overcome, not by the enticing words of man's wisdom, but by the simple presentation of a pure and peaceful doctrine, preached by obscure strangers at the daily peril of their lives. Is it Mr. Ingersoll's idea that this happened by chance, like the creation of the world? If not, there are but two other ways to account for it: either the evidence by which the Apostles were able to prove the supernatural origin of the gospel was overwhelming and irresistible, or else its propagation was provided for and carried on by the direct aid of the Divine Being himself. Between these two, infidelity may make its own choice.

Just here another dilemma presents its horns to our adversary. If Christianity was a human fabrication, its authors must have been either good men or bad. It is a moral impossibility—a mere contradiction in terms—to say that good, honest, and true men practiced a gross and willful deception upon the world. It is equally incredible that any combination of knaves, however base, would fraudulently concoct a religious system to denounce themselves, and to invoke the curse of God upon their own conduct. Men that love lies, love not such lies as that. Is there any way out of this difficulty, except by confessing that Christianity is what it purports to be—a divine revelation?

The acceptance of Christianity by a large portion of the generation contemporary with its Founder and his apostles was, under the circumstances, an adjudication as solemn and authoritative as mortal intelligence could pronounce. The record of that judgment has come down to us, accompanied by the depositions of the principal witnesses. In the course of eighteen centuries many efforts have been made to open the judgment or set it aside on the ground that the evidence was insufficient to support it. But on every rehearing the wisdom and virtue of mankind have re-affirmed it. And now comes Mr. Ingersoll, to try the experiment of another bold, bitter, and fierce re-argument. I will present some of the considerations which would compel me, if I were a judge or juror in the cause, to decide it just as it was decided originally.

First. There is no good reason to doubt that the statements of the evangelists, as we have them now, are genuine. The multiplication of copies was a sufficient guarantee against any material alteration of the text. Mr. Ingersoll speaks of interpolations made by the fathers of the Church. All he knows and all he has ever heard on that subject is that some of the innumerable transcripts contained errors which were discovered and corrected. That simply proves the present integrity of the documents.

Second. I call these statements *depositions*, because they are entitled to that kind of credence which we give to declarations made under oath—but in a much higher degree, for they are more than sworn to. They were made in the immediate prospect of death. Perhaps this would not affect the conscience of an atheist,—neither would an oath,—but these people manifestly believed in a judgment after death, before a God of truth, whose displeasure they feared above all things.

Third. The witnesses could not have been mistaken. The nature of the facts precluded the possibility of any delusion about them. For every averment they had "the sensible and true avouch of their own eyes" and ears. Besides, they were plain-thinking, sober, unimaginative men, who, unlike Mr. Ingersoll, always, under all circumstances, and especially in the presence of eternity, recognized the difference between mountains and clouds. It is inconceivable how any fact could be proven by evidence more conclusive than the statement of such persons, publicly given and steadfastly persisted in through every kind of persecution, imprisonment, and torture to the last agonies of a lingering death.

Fourth. Apart from these terrible tests, the more ordinary claims to credibility are not wanting. They were men of unimpeachable character. The most virulent enemies of the cause they spoke and died for have never suggested a reason for doubting their personal honesty. But there is affirmative proof that they and their fellow-disciples were held by those who knew them in the highest estimation for truthfulness. Wherever they made their report it was not only believed, but believed with a faith so implicit that thousands were ready at once to seal it with their blood.

Fifth. The tone and temper of their narrative impress us with a sentiment of profound respect. It is an artless, unimpas-

sioned, simple story. No argument, no rhetoric, no epithets, no praises of friends, no denunciation of enemies, no attempts at concealment. How strongly these qualities commend the testimony of a witness to the confidence of judge and jury is well known to all who have any experience in such matters.

Sixth. The statements made by the evangelists are alike upon every important point, but are different in form and expression, some of them including details which the others omit. These variations make it perfectly certain that there could have been no previous concert between the witnesses, and that each spoke independently of the others, according to his own conscience and from his own knowledge. In considering the testimony of several witnesses to the same transaction, their substantial agreement upon the main facts, with circumstantial differences in the detail, is always regarded as the great characteristic of truth and honesty. There is no rule of evidence more universally adopted than this—none better sustained by general experience, or more immovably fixed in the good sense of mankind. Mr. Ingersoll, himself, admits the rule and concedes its soundness. The logical consequence of that admission is that we are bound to take this evidence as incontestably true. But mark the infatuated perversity with which he seeks to evade it. He says that when we claim that the witnesses were inspired, the rule does not apply, because the witnesses then speak what is known to him who inspired them, and all must speak exactly the same, even to the minutest detail. Mr. Ingersoll's notion of an inspired witness is that he is no witness at all, but an irresponsible medium who unconsciously and involuntarily raps out or writes down whatever he is prompted to say. But this is a false assumption, not countenanced or even suggested by anything contained in the Scriptures. The apostles and evangelists are expressly declared to be witnesses, in the proper sense of the word, called and sent to testify the truth according to their knowledge. If they had all told the same story in the same way, without variation, and accounted for its uniformity by declaring that they were inspired, and had spoken without knowing whether their words were true or false, where would have been their claim to credibility? But they testified what they knew; and here comes an infidel critic impugning their testimony because the impress of truth is stamped upon its face.

Seventh. It does not appear that the statements of the evangelists were ever denied by any person who pretended to know the facts. Many there were in that age and afterward who resisted the belief that Jesus was the Christ, the Son of God, and only Saviour of man; but his wonderful works, the miraculous purity of his life, the unapproachable loftiness of his doctrines, his trial and condemnation by a judge who pronounced him innocent, his patient suffering, his death on the cross, and resurrection from the grave,— of these not the faintest contradiction was attempted, if we except the false and feeble story which the elders and chief priests bribed the guard at the tomb to put in circulation.

Eighth. What we call the fundamental truths of Christianity consist of great public events which are sufficiently established by history without special proof. The value of mere historical evidence increases according to the importance of the facts in question, their general notoriety, and the magnitude of their visible consequences. Cornwallis surrendered to Washington at Yorktown, and changed the destiny of Europe and America. Nobody would think of calling a witness or even citing an official report to prove it. Julius Cæsar was assassinated. We do not need to prove that fact like an ordinary murder. He was master of the world, and his death was followed by a war with the conspirators, the battle at Philippi, the quarrel of the victorious triumvirs, Actium, and the permanent establishment of imperial government under Augustus. The life and character, the death and resurrection, of Jesus are just as visibly connected with events which even an infidel must admit to be of equal importance. The Church rose and armed herself in righteousness for conflict with the powers of darkness; innumerable multitudes of the best and wisest rallied to her standard and died in her cause; her enemies employed the coarse and vulgar machinery of human government against her, and her professors were brutally murdered in large numbers; her triumph was complete; the gods of Greece and Rome crumbled on their altars; the world was revolutionized and human society was transformed. The course of these events, and a thousand others, which reach down to the present hour, received its first propulsion from the transcendent fact of Christ's crucifixion. Moreover, we find the memorial monuments of the original truth planted all along the way. The sacraments of baptism and the supper constantly point us back to the

author and finisher of our faith. The mere historical evidence is for these reasons much stronger than what we have for other occurrences which are regarded as undeniable. When to this is added the cumulative evidence given directly and positively by eye-witnesses of irreproachable character, and wholly uncontradicted, the proof becomes so strong that the disbelief we hear of seems like a kind of insanity.

> "It is the very error of the moon,
> Which comes more near the earth than she was wont,
> And makes men mad!"

From the facts established by this evidence, it follows irresistibly that the Gospel has come to us from God. That silences all reasoning about the wisdom and justice of its doctrines, since it is impossible even to imagine that wrong can be done or commanded by that Sovereign Being whose will alone is the ultimate standard of all justice.

But Mr. Ingersoll is still dissatisfied. He raises objections as false, fleeting, and baseless as clouds, and insists that they are as stable as the mountains, whose everlasting foundations are laid by the hand of the Almighty. I will compress his propositions into plain words printed in *italics*, and, taking a look at his misty creations, let them roll away and vanish into air, one after another.

Christianity offers eternal salvation as the reward of belief alone. This is a misrepresentation simple and naked. No such doctrine is propounded in the Scriptures, or in the creed of any Christian church. On the contrary, it is distinctly taught that faith avails nothing without repentance, reformation, and newness of life.

The mere failure to believe it is punished in hell. I have never known any Christian man or woman to assert this. It is universally agreed that children too young to understand it do not need to believe it. And this exemption extends to adults who have never seen the evidence, or, from weakness of intellect, are incapable of weighing it. Lunatics and idiots are not in the least danger, and, for aught I know, this category may, by a stretch of God's mercy, include minds constitutionally sound, but with faculties so perverted by education, habit, or passion that they are incapable of reasoning. I sincerely hope that, upon this or some other principle, Mr. Ingersoll may escape the hell he talks about

so much. But there is no direct promise to save him in spite of himself. The plan of redemption contains no express covenant to pardon one who rejects it with scorn and hatred. Our hope for him rests upon the infinite compassion of that gracious Being who prayed on the cross for the insulting enemies who nailed him there.

The mystery of the second birth is incomprehensible. Christ established a new kingdom *in* the world, but not *of* it. Subjects were admitted to the privileges and protection of its government by a process equivalent to naturalization. To be born again, or regenerated, is to be naturalized. The words all mean the same thing. Does Mr. Ingersoll want to disgrace his own intellect by pretending that he cannot see this simple analogy?

The doctrine of the atonement is absurd, unjust, and immoral. The plan of salvation, or any plan for the rescue of sinners from the legal operation of divine justice, could have been framed only in the councils of the Omniscient. Necessarily its heights and depths are not easily fathomed by finite intelligence. But the greatest, ablest, wisest, and most virtuous men that ever lived have given it their profoundest consideration, and found it to be not only authorized by revelation, but theoretically conformed to their best and highest conceptions of infinite goodness. Nevertheless, here is a rash and superficial man, without training or habits of reflection, who, upon a mere glance, declares that it "must be abandoned," because it *seems to him* "absurd, unjust, and immoral." I would not abridge his freedom of thought or speech, and the *argumentum ad verecundiam* would be lost upon him. Otherwise I might suggest that, when he finds all authority, human and divine, against him, he had better speak in a tone less arrogant.

He does not comprehend how justice and mercy can be blended together in the plan of redemption, and therefore it cannot be true. A thing is not necessarily false because he does not understand it: he cannot annihilate a principle or a fact by ignoring it. There are many truths in heaven and earth which no man can see through; for instance, the union of man's soul with his body is not only an unknowable but an unimaginable mystery. Is it therefore false that a connection does exist between matter and spirit?

How, he asks, *can the sufferings of an innocent person satisfy justice for the sins of the guilty?* This raises a metaphysical

question, which it is not necessary or possible for me to discuss here. As matter of fact, Christ died that sinners might be reconciled to God, and in that sense he died for them; that is, to furnish them with the means of averting divine justice, which their crimes had provoked.

What, he again asks, *would we think of a man who allowed another to die for a crime which he himself had committed?* I answer that a man who, by any contrivance, causes his own offense to be visited upon the head of an innocent person is unspeakably depraved. But are Christians guilty of this baseness because they accept the blessings of an institution which their great benefactor died to establish? Loyalty to the King who has erected a most beneficent government for us at the cost of his life—fidelity to the Master who bought us with his blood—is not the fraudulent substitution of an innocent person in place of a criminal.

The doctrine of non-resistance, forgiveness of injuries, reconciliation with enemies, as taught in the New Testament, is the child of weakness, degrading, and unjust. This is the whole substance of a long, rambling diatribe, as incoherent as a sick man's dream. Christianity does not forbid the necessary defense of civil society, or the proper vindication of personal rights. But to cherish animosity, to thirst for mere revenge, to hoard up wrongs, real or fancied, and lie in wait for the chance of paying them back; to be impatient, unforgiving, malicious, and cruel to all who have crossed us—these diabolical propensities are checked and curbed by the authority and spirit of the Christian religion, and the application of it has converted men from low savages into refined and civilized beings.

The punishment of sinners in eternal hell is excessive. The future of the soul is a subject on which we have very dark views. In our present state, the mind takes in no idea except what is conveyed to it through the bodily senses. All our conceptions of the spiritual world are derived from some analogy to material things, and this analogy must necessarily be very remote, because the nature of the subjects compared is so diverse that a close similarity cannot be even supposed. No revelation has lifted the veil between time and eternity; but in shadowy figures we are warned that a very marked distinction will be made between the good and the bad in the next world. Speculative opinions concerning the punishment of the wicked, its nature and dura-

tion, vary with the temper and the imaginations of men. Doubtless we are many of us in error: but how can Mr. Ingersoll enlighten us? Acknowledging no standard of right and wrong in this world, he can have no theory of rewards and punishments in the next. The deeds done in the body, whether good or evil, are all morally alike in his eyes, and if there be in heaven a congregation of the just, he sees no reason why the worst rogue should not be a member of it. It is supposed, however, that man has a soul as well as a body, and that both are subject to certain laws, which cannot be violated without incurring the proper penalty—or consequence, if he likes that word better.

If Christ was God, he knew that his followers would persecute and murder men for their opinions; yet he did not forbid it. There is but one way to deal with this accusation, and that is to contradict it flatly. Nothing can be conceived more striking than the prohibition, not only of persecution, but of all the passions which lead or incite to it. No follower of Christ indulges in malice even to his enemy without violating the plainest rule of his faith. He cannot love God and hate his brother: if he says he can, St. John pronounces him a liar. The broadest benevolence, universal philanthropy, inexhaustible charity, are inculcated in every line of the New Testament. It is plain that Mr. Ingersoll never read a chapter of it; otherwise he would not have ventured upon this palpable falsification of its doctrines. Who told him that the devilish spirit of persecution was authorized, or encouraged, or not forbidden, by the Gospel? The person, whoever it was, who imposed upon his trusting ignorance should be given up to the just reprobation of his fellow-citizens.

Christians in modern times carry on wars of detraction and slander against one another. The discussions of theological subjects by men who believe in the fundamental doctrines of Christ are singularly free from harshness and abuse. Of course I cannot speak with absolute certainty, but I believe most confidently that there is not in all the religious polemics of this century as much slanderous invective as can be found in any ten lines of Mr. Ingersoll's writings. Of course I do not include political preachers among my models of charity and forbearance. They are a mendacious set, but Christianity is no more responsible for their misconduct than it is for the treachery of Judas Iscariot or the wrongs done to Paul by Alexander the coppersmith.

But, says he, *Christians have been guilty of wanton and wicked persecution.* It is true that some persons, professing Christianity, have violated the fundamental principles of their faith by inflicting violent injuries and bloody wrongs upon their fellow-men. But the perpetrators of these outrages were in fact not Christians: they were either hypocrites from the beginning or else base apostates—infidels or something worse—hireling wolves, whose gospel was their maw. Not one of them ever pretended to find a warrant for his conduct in any precept of Christ or any doctrine of his Church. All the wrongs of this nature which history records have been the work of politicians, aided often by priests and ministers who were willing to deny their Lord and desert to the enemy, for the sake of their temporal interests. Take the cases most commonly cited and see if this be not a true account of them. The *auto da fé* of Spain and Portugal, the burnings at Smithfield, and the whipping of women in Massachusetts, were the outcome of a cruel, false, and antichristian policy. Coligny and his adherents were killed by an order of Charles IX., at the instance of the Guises, who headed a hostile faction, and merely for reasons of state. Louis XIV. revoked the edict of Nantes, and banished the Waldenses under pain of confiscation and death; but this was done on the declared ground that the victims were not safe subjects. The brutal atrocities of Cromwell and the outrages of the Orange lodges against the Irish Catholics were not persecutions by religious people, but movements as purely political as those of the Know-Nothings, Plug-Uglys, and Blood-Tubs of this country. If the Gospel should be blamed for these acts in opposition to its principles, why not also charge it with the cruelties of Nero, or the present persecution of the Jesuits by the infidel republic of France?

Christianity is opposed to freedom of thought. The kingdom of Christ is based upon certain principles, to which it requires the assent of every one who would enter therein. If you are unwilling to own his authority and conform your moral conduct to his laws, you cannot expect that he will admit you to the privileges of his government. But naturalization is not forced upon you if you prefer to be an alien. The Gospel makes the strongest and tenderest appeal to the heart, reason, and conscience of man—entreats him to take thought for his own highest interest, and by all its moral influence provokes him to good works; but he is

not constrained by any kind of duress to leave the service or relinquish the wages of sin. Is there anything that savors of tyranny in this? A man of ordinary judgment will say, no. But Mr. Ingersoll thinks it as oppressive as the refusal of Jehovah to reward the worship of demons.

The gospel of Christ does not satisfy the hunger of the heart. That depends upon what kind of a heart it is. If it hungers after righteousness, it will surely be filled. It is probable, also, that if it hungers for the filthy food of a godless philosophy it will get what its appetite demands. That was an expressive phrase which Carlyle used when he called modern infidelity "the gospel of dirt." Those who are greedy to swallow it will doubtless be supplied satisfactorily.

Accounts of miracles are always false. Are miracles impossible? No one will say so who opens his eyes to the miracles of creation with which we are surrounded on every hand. You cannot even show that they are *a priori* improbable. God would be likely to reveal his will to the rational creatures who were required to obey it; he would authenticate in some way the right of prophets and apostles to speak in his name; supernatural power was the broad seal which he affixed to their commission. From this it follows that the improbability of a miracle is no greater than the original improbability of a revelation, and that is not improbable at all. Therefore, if the miracles of the New Testament are proved by sufficient evidence, we believe them as we believe any other established fact. They become deniable only when it is shown that the great miracle of making the world was never performed. Accordingly Mr. Ingersoll abolishes creation first, and thus clears the way to his dogmatic conclusion that *all* miracles are "the children of mendacity."

Christianity is pernicious in its moral effect, darkens the mind, narrows the soul, arrests the progress of human society, and hinders civilization. Mr. Ingersoll, as a zealous apostle of "the gospel of dirt," must be expected to throw a good deal of mud. But this is too much: it injures himself instead of defiling the object of his assault. When I answer that all we have of virtue, justice, intellectual liberty, moral elevation, refinement, benevolence, and true wisdom came to us from that source which he reviles as the fountain of evil, I am not merely putting one assertion against the other; for I have the advantage, which he has not, of speaking what every tolerably well-informed man knows to be true.

Reflect what kind of a world this was when the disciples of Christ undertook to reform it, and compare it with the condition in which their teachings have put it. In its mighty metropolis, the center of its intellectual and political power, the best men were addicted to vices so debasing that I could not even allude to them without soiling the paper I write upon. All manner of unprincipled wickedness was practiced in the private life of the whole population without concealment or shame, and the magistrates were thoroughly and universally corrupt. Benevolence in any shape was altogether unknown. The helpless and the weak got neither justice nor mercy. There was no relief for the poor, no succor for the sick, no refuge for the unfortunate. In all pagandom there was not a hospital, asylum, almshouse, or organized charity of any sort. The indifference to human life was literally frightful. The order of a successful leader to assassinate his opponents was always obeyed by his followers with the utmost alacrity and pleasure. It was a special amusement of the populace to witness the shows at which men were compelled to kill one another, to be torn in pieces by wild beasts, or otherwise "butchered, to make a Roman holiday." In every province paganism enacted the same cold-blooded cruelties; oppression and robbery ruled supreme; murder went rampaging and red over all the earth. The Church came, and her light penetrated this moral darkness like a new sun. She covered the globe with institutions of mercy, and thousands upon thousands of her disciples devoted themselves exclusively to works of charity at the sacrifice of every earthly interest. Her earliest adherents were killed without remorse—beheaded, crucified, sawn asunder, thrown to the beasts, or covered with pitch, piled up in great heaps, and slowly burnt to death. But her faith was made perfect through suffering, and the law of love rose in triumph from the ashes of her martyrs. This religion has come down to us through the ages, attended all the way by righteousness, justice, temperance, mercy, transparent truthfulness, exulting hope, and white-winged charity. Never was its influence for good more plainly perceptible than now. It has not converted, purified, and reformed all men, for its first principle is the freedom of the human will, and there are those who choose to reject it. But to the mass of mankind, directly and indirectly, it has brought uncounted benefits and blessings. Abolish it—take away the restraints which it imposes on evil passions—silence the

admonitions of its preachers—let all Christians cease their labors of charity—blot out from history the records of its heroic benevolence—repeal the laws it has enacted and the institutions it has built up—let its moral principles be abandoned and all its miracles of light be extinguished—what would we come to? I need not answer this question: the experiment has been partially tried. The French nation formally renounced Christianity, denied the existence of the Supreme Being, and so satisfied the hunger of the infidel heart for a time. What followed? Universal depravity, garments rolled in blood, fantastic crimes unimagined before, which startled the earth with their sublime atrocity. The American people have and ought to have no special desire to follow that terrible example of guilt and misery.

It is impossible to discuss this subject within the limits of a review. No doubt the effort to be short has made me obscure. If Mr. Ingersoll thinks himself wronged, or his doctrines misconstrued, let him not lay my fault at the door of the Church, or cast his censure on the clergy.

"*Adsum qui feci, in me convertite ferrum.*"

J. S. BLACK.

OBSTACLES TO ANNEXATION.

If the checkered career of the tentative Dominion of Canada and a more complete independence of the mother country were fully understood by the student of English colonial history, the tendency, in his opinion, might mean legislative union, but not, necessarily, annexation. We must confess a most positive leaning toward the latter as a *fait accompli;* while, on the other hand, we cannot be ignorant that serious obstacles are to be removed, and threatening dangers are to be avoided, before Canada can become an integral part of the United States.

There is one quality that pertains alike to physical, moral, and political forces—they act in the direction of the least resistance. England will retain the colonies no longer than her own notions of self-interest decide their trade to be profitable. Their market once destroyed by a protective tariff,—as in Australia and Canada,—no motive of self-interest remains to urge their tarrying for a single hour under the ægis of the British flag. Indeed, their tarrying thenceforth becomes a source of expense, with no offset. Therefore they were long ago invited to loose the bond and go apart by themselves. The idea of separation became a living entity when Kimberley—Gladstone's former colonial secretary—allowed Australia to choose her own commercial policy; and the entity gathered strength when Beaconsfield refused to interfere with Sir John A. Macdonald's will regarding the late M. Letellier and the Canadian tariff.

In like manner, the Canadian policy also acts along the line of least resistance. Actual separation is an easy matter—even the London "Times" admitting that the right of self-government, having been conceded to Canada, cannot now be withdrawn, and the Hon. Robert Lowe confessing the temporary nature of the

union of the Empire with all of the colonies. So slight is the tie with Canadians, that their new commercial policy declares their unwillingness to pay a small tax upon their business as the price of British connection; while every allusion to their dependence upon the power across the sea is met with the most rabid assertions that they are able to stand by themselves without asking favors from anybody. Thus the question arises: Has not the Dominion of Canada run away with its creator—the Gladstone government of 1867? For what was first announced by Gladstone, then suffered to pass unchallenged by Beaconsfield, and now once more reiterated by Gladstone,—the charm of Canadian independence,—will it not prove too strong for that sentiment of loyalty which is so beautiful in theory but so unsatisfactory in practice, although made a more tangible thing by dozens of Sevastopol cannon scattered through the provinces?

Jingoism is not popular in the colonies. The opposite of jingoism—the utmost liberty of speech and action—is so far prevalent as to lead Earl Grey to devise some method of saving the Empire intact. He would transform the agents of the various colonies into members of the Privy Council and members of the Committee on Colonial Affairs, such committee to act as a court of *oyer* and *terminer* whenever matters regarding the colonies are concerned. And yet, in spite of such a court, Earl Grey declares that England "may decline to go on submitting to the burden" of colonies that are too independent "to conform to the general commercial policy of the Empire."

Thus, the more deeply the subject is studied, the more evident does it become that even the slightest of the forces now at work, both in Canada and in Great Britain, must lead to a speedy and total separation. In the days when British troops were still quartered in Montreal, the late D'Arcy McGee remarked that only three relations were in store for England's greatest provinces:—first, a closer connection between themselves; second, annexation; and third, a neutrality guaranteed by a joint agreement of the great powers. The first method is the present Dominion, so inadequate to the task it set out to accomplish. The second is a probability of the future; but not without difficulties hereinafter to be considered. The third is absurd in the present state of Canadian independence.

The *primal* form into which the actual independence of Canada first crystallizes will probably be a legislative union. One general

parliament will do the work of the many, as now constituted. Provincial legislatures will melt away; the maritime provinces will enjoy a freer intercourse, and the large expenditures for maintenance will be materially reduced. Concentration and economy are the order of the day, even more than they were when Scotland and Ireland were united with England in one common parliament. The purse-strings of Canada must lead to this result, even if all other influences go for naught; and the outlines of legislative union will develop despite the opposition of the French element.

Indeed, no nationality and no political party will be able to prevent legislative union first and annexation afterward; nor will either of these measures be adopted by any of the existing parties. The fate of the late National party gives a sad warning to any political organization that shall be so rash. Commencing life about the year 1874, it protested against the previous lengths to which both conservatives and reformers carried their warfare. Its advocates strove to serve "Canada first" by placing the best men in office; and the world, in the meantime, was to improve so constantly that no parties would be necessary in the Canadian, or any other, State. They conserved the present by advocating the ballot and an income franchise, measures that were soon adopted; but while their further projects of reorganizing the Senate, representing minorities, and cutting loose from England were still under discussion, the National party incontinently died, in spite of Goldwin Smith and the Hon. Mr. Blake.

Should legislative union come, it will come in spite of the Frenchman's fear that harm will befall his religion or his nationality; and he will consent because he considers it but a stepping-stone to a closer union with the United States, a fate which he opposed before the confederation of 1867, but which he now courts because he desires the power with which an American majority is intrusted. This legislative union will come in spite of party protests, because the better men of all parties will see that it is a simple way out of their difficulties, financial and otherwise, a way that even the British North America Act of 1867 provided for; since the act in nowise hints that the present Dominion is more than the best form of government that could be devised at the time.

A legislative union, therefore, is but a John the Baptist preaching the gospel of annexation. It may delay actual union

with the United States for a decade or two; but the irresistible must come to pass. Previous to the year 1873,—when "hard times" came upon the United States,—the French of Canada, and their brethren who had crossed the border, were alike animated with a kindly feeling toward the American Republic. Those who were actual residents were pleased with their adopted country. They were convinced that annexation would give their countrymen the American character which they prized. Realizing that the open advocacy of such a measure would react upon its promoters,—possibly on account of an apparent lessening of the clergy's influence,—a club of French Canadians was formed in Chicago in 1870. Branches were established in various other centers of population, the object being simply to inform their countrymen of the benefits that would accrue, if all of Canada were absorbed into the United States. But alas! as to the Chicago club, the O'Leary cow kicked it out of existence when it was barely two weeks old, and the subsequent period of depression made it impossible of resuscitation.

First. Looking at the result as inevitable, we are ready to inquire into the conflict of Canadian institutions and customs with the Constitution of the United States, in case the question of admission were to be decided to-day. As a result of these institutions, the matter of finances naturally takes the lead. Time was—and within a decade, too—when the Canadian's only answer to the hint of annexation would be: "Canada doesn't propose to help pay the national debt of the United States." That response is no longer given. The colony is on the verge of bankruptcy, through the extravagance of so many Governors, Executive Councils, and unproductive public works. For instance, the Dominion—which has a population nearly as large as that of the State of New York—is saddled with an annual expense of $217,266 for its head officials; while the various parliaments cost $2,240,000. Add to this the expense of education, the administration of justice, the collection of customs, interest on the public works, and the result is a total cost to every man, voter or non-voter, of $27.25 per annum. The St. Lawrence system of canals was originally contracted for $19,000,000. The loss for interest charges has been $32,000,000; cost of enlarging, $30,000,000—a total of $91,000,000 for a highway which will allow the farmers of Illinois to compete with those of Ontario in foreign markets.

A glance at the figures will show the constant increase of the Canadian debt:

Year.	*Net Debt.*	*Charge on Debt.*
1867	$75,728,641	$ .....
1868	75,757,135	5,221,022
1869	75,859,319	5,799,474
1870	78,209,742	5,513,586
1871	77,706,517	6,013,624
1872	82,187,072	6,074,247
1873	99,848,462	5,795,675
1874	108,324,965	6,503,038
1875	116,008,378	7,373,763
1876	124,551,514	7,432,002
1877	133,235,309	7,833,475
1878	140,362,069	8,486,714
1879	147,481,070	8,509,876
1880	153,025,518	8,420,662

Here is a total of over $80,000,000 that has been paid for interest alone since 1867, the date of confederation. Commencing with that date, the ordinary expenditure of the Government has risen from $3,500,000 to $7,000,000; while the total expenditure has increased from $13,500,000 to its present figure, $25,000,000. With the exception of Ontario, every one of the provinces is heavily in debt, and resort must be had to direct taxation, the subsidies from the Dominion Government not proving adequate to their maintenance. The consequence is that, in proportion to its resources, the Dominion is more heavily in debt than any solvent State in the American Union. Its financial condition is rapidly growing worse, while that of the United States is materially improving. Beaconsfield, therefore, would have been more correct in his comparison of the two countries (September, 1879), if he had quoted the price of United States bonds in the London market side by side with the heavy discounts upon loans to the Canadian provinces.

The question of Canadian debt is not as easy of settlement now as it was in 1865, when General Banks's bill in the American Congress provided these guarantees: The United States' assuming Canadian debt to the amount of $85,000,000; guaranteeing $10,000,000 to the Hudson's Bay Company; appropriating $50,000,000 for the enlargement of the St. Lawrence canals, and $2,000,000 for the extension of the American system of railways from Ban-

gor to St. John's, N. B.—the Intercolonial Railway and the Canadian Pacific Railway to be aided on the same terms as those given to the Northern Pacific Railway by the Act of 1862. If this liberal proposition were renewed to-day, it might be accepted. Whenever the matter of finances comes up for adjustment, much skill and mutual forbearance will be required in its solution; for, in its present aspect, it presents one of the most ready arguments why annexation should not immediately take place.

Second. Aside from delays of a financial nature, the Canadian idea of popular government must undergo a radical change before the path of union is clearly defined. There is no glittering functionary on this side of the line with the title of Governor-General—an official who can originate nothing, and therefore can have no policy; who can veto nothing, and therefore can have no actual power. A mere dependent of the Privy Council, the Canadian Governor-General, to use the sententious language of a prominent conservative editor, "must do what is told him." This is true, even of Lord Lorne, who is supposed to "represent the Queen" more completely than any of his predecessors. In spite of his insignificant political duties, the powers of a Governor-General have full play when parliament is to be opened in state, or the social life of Ottawa is to be maintained. Herein consisted Lord Dufferin's popularity; and that he knew enough to eschew politics, we learn from his own lips, just as he was safely freed from the cares of office. During a speech at Belfast (February 22, 1879), he admitted that, although the functions of a colonial executive do not entirely coincide with the attributes of the Crown in England, yet "his touch should be so impalpable as to exempt him from all suspicion of a desire to tamper with the privileges of a self-governing body. He should not consider it a compliment to the head of any self-governing community if he were credited with any independent initiative of his own."

The real power of the Canadian Government being in the hands of the Premier and his ministers, it is the Canadian's boast that this form alone is both "popular and responsible." He declares the President of the United States and his cabinet to be veritable tyrants, in the old Grecian sense of the word; and he advises that all these officers should be made directly responsible to Congress. This is his idea of true republicanism; and, this accomplished, he would be in favor of uniting the two countries. But if the Canadian protestor would look into the history

of his own expensive government by a ministry, he would find that the independence of the Canadian cabinet far exceeds that of the American cabinet. Not one of all the great public measures carried through by the ministry was ever submitted to the Canadian people. County and township councils were erected from district councils; rebellion losses were paid; the Dominion was formed, and reluctant provinces were bought into compliance; the canals were enlarged; paper money was sanctioned; and the Pacific Railway was constructed, so far as it lay in Canadian power, and a syndicate has been allowed to complete it,—all of which measures were carried out by the ministry without even consulting the voters at the polls. Indeed, the leading organ of Sir John A. Macdonald does not hesitate to say that "the Government are the people," while at the same time it declares that the ministry should watch public opinion, and be ready to take any course that may enable them to retain office. The opposition press also declares that all the American constitutions "are defective in that the administrations are too independent of the people." (Toronto "Globe," February 3, 1880.) Whereas, the fair-minded student of history must confess that stability is more readily conserved where the executive and his advisers move in a sphere of action totally distinct from that of the powers which legislate. In a word, the Canadian has not yet grasped the American, and republican, idea of the executive.

Nor is the Canadian idea of the upper house a whit more like the American. A group of elderly gentlemen, who have never originated any important measures, save divorce bills, and whose only policy is to be on the popular side, for fear of personal abuse; a majority of whose seventy-eight life members are the appointees of the present Premier—this is the Canadian Senate of to-day. In spite of popular execration, the senators might readily attach themselves to the waning fortunes of the present, or any other Premier; and thus make it possible for a political leader to regain his lost power. No wonder the opposition press demand the abolition of such a useless body—the ridiculous duplicate of the fast dissolving House of Lords, and the counterpart, in some respects, of the Senate established by the later Napoleon. That the Canadians do not comprehend the scope of the American Senate is not strange; for none of the European nations can offer a substitute that compares with it. Their Crown-appointed, church-appointed, or hereditary upper houses

were not founded, like our own, to check hasty legislation on the part of the popular body, to control the designs of an ambitious executive, and to give representation to each of the sovereign States of the American Union. Nowhere else in the world is there a branch of the government that rises to the dignity and political power that characterize the Senate of the United States.

The Canadian further objects to the American civil service system, or, rather, he has made objection in the past, when the Canadian system was better than it is now, and the American system worse. In this connection, it would be instructive to ask how much of the $125,000 annually expended for superannuation is paid to men like the one who confessed to the writer, "The Government pays me $1000 a year to stay away from my desk." Or we might relate how it was contended by the conservatives that the reformers had introduced the "spoils" system into the lower provinces. As an offset, Sir John A. Macdonald, on retiring in 1873, increased many salaries and made numerous appointments, by two of which Mr. Tilley became Lieutenant-Governor of New Brunswick, and Mr. Crawford Lieutenant-Governor of Ontario. In the case of Mr. Crawford, an antecedent promise of the office made it impossible for him, as a member of parliament, to vote independently on a question which the minister considered tantamount to an impeachment. In the case of Mr. Tilley, a member of the Government had a hand in his own appointment. When the reformers attained the coveted power, they gave out that the "American system" was sure to be adopted in Canada; and they acted accordingly. Consequently the report of Sir John, in 1878, was made the occasion of charging the reformers with feathering their own political nests, and also of declaring that "a modified American system" was best adapted to the wants of the Canadian civil service. The Canadian who shuts his eyes to these facts is also ignorant of the fact that, when the Senate of the United States passed into the hands of the Republicans, in 1861, only one of its officers was removed, and that for disloyalty; although we must confess that more recent attempts have not been to its credit.

Passing now to the source of all power, the people, we find that the Canadian doubts the good effects of universal suffrage. In his own country, he relates that the elections are carried on with the ballot, qualified by a small holding of property, save in Manitoba; and from this he argues in favor of his own system,

with its safeguards against bribery. Yet, even with all these precautions, it was possible, in 1873, to behold a minister squeezing a corruption fund from a public contractor, and himself enjoying the pleasure and profit of its distribution; while the annals of political turpitude would be incomplete without the testimony regarding the member for Niagara (January, 1879) and the Argenteuil election trial (June, 1880).

Third. Even after the Canadian prejudice against the American form of government is removed, there remains a conflict *inter se*, each province having a different specimen of law. The more progressive provinces have the English common law; Nova Scotia and Prince Edward's Island retaining the debtor's prison, with all the horrors portrayed by Dickens when he limned its antetype in London. The English and statutory criminal law is retained in such provinces as Manitoba and Quebec, which have substituted the *code civil de Québec* for the old French law. Thus, while each province has control over all questions of property and civil rights, even the residuum of power vested in the Dominion Government does not save it from humiliation. It has been decided that the provincial courts have jurisdiction in relation to the trial of protested Dominion elections; and that the province of Quebec (Dobie case) has the right to amend the original acts of the old province of Canada. As if to increase the confusion of legal tongues, the newly erected Supreme Court appears to have no more power than is vested in the various appellate courts already existing, a fact which was recognized by the Mackenzie government, when it refused to ask an opinion in the Letellier case of 1878. To these we must add the further facts that the criminal law of the Dominion is not yet codified; that evidence of the accused party is still excluded; that a divorce court is yet to be erected; and that parliament is still rejecting the bill allowing marriage with a deceased wife's sister.

When we pass from a general glance at the internecine conflict of Canadian laws to the examination of their practical workings, we discover a direct antagonism with the Constitution of the United States. At the time of the conquest, all the religious bodies were protected in their rights and property by a special article in the terms of capitulation. By good management this property has increased to such an extent that, in Montreal, the Sulpicians have taken every square foot on which the *lod et vents* had not been commuted. Other orders of the same church also

share in holding the best real estate in the larger cities—all of which is exempt from taxation as church property, although some of it is actually in use for manufacturing purposes. Such remarkable privileges are certainly not in accord with our own Constitution, which premises that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof"—a prohibition which also means that no one religious body shall enjoy privileges that are denied to all others.

In the matter of civil rights, also, there is a most dangerous conflict with our Constitution, which provides that Congress shall make no law "abridging the freedom of speech or of the press," meaning that all shall share alike in such freedom. Opposed to this is the French law of the province of Quebec, a law that serves ecclesiasticism almost as well as the original patent of Louis XIV. to the "hundred partners." The civil power is defied. Bishop Bourget shakes his fist at the British Privy Council, and curses the ground in which Guibord is buried. He declares that every *curé* must advise his parishioners of the part they are to play in politics. When Mgr. Taschereau, archbishop of Quebec, issues his *mandement* to the effect that the church must not interfere in politics, the world applauds the assertion of civil liberty in Quebec; but the applause ceases when a *curé* appears in court, and admits that he did not obey the summons as a witness until he had first received permission from his superior ecclesiastical officer.

Time would fail if we should attempt to consider this branch of the subject more in detail. One more example must suffice. The result of an election in Quebec was largely affected by the use of the terrors of the church to control the votes of parishioners. The Supreme Court of the Province—a majority belonging to that church—decided (Charlevois case) that, by threatening voters with spiritual punishment or by denying them the sacrament, the priests were guilty of intimidation and were, therefore, answerable to the civil courts. Thereupon the Bishop of Rimouski issued a pastoral full of abuse toward the judges, and declaring that neither parliament nor the judges were competent to interfere. Fortunately for the cause of civil liberty, this attempt to coerce the bench met with an ignominious failure; but the fact that such an attempt was made, shows the unwillingness of many Canadian people to accept the American definition of a State as totally independent of a church.

This point is made clearer by a brief reference to the troubles with the Orangémen. In this same province of Quebec, the legislature of 1878 enacted a law that no religious procession should be allowed unless the consent of the constituted church authorities was first obtained. Of course the Orangemen are unable to obtain such consent, and consequently they are unable to parade. In fact, they were positively forbidden to do so by Mayor Beaudry, of Montreal, who was in turn sued by an Orangeman, in order to fix the legal *status* of the organization to which he belonged. The suit still drags its slow length along. To Americans it is evident that *all* parties have a right to parade if *any* have the right—a question that was settled in the city of New York, on the 12th of July, 1871, in a most emphatic manner.

Closely connected with the law of the Dominion and the component provinces are the so-called public schools. We say "so called," for Canada does not appear to have a *free* school within her borders. Fifty years ago, a bill was passed for the election of trustees in place of the *fabriques* by the land-holders of each parish. The former system has thus been superseded by a different kind of school policy for each province. The schools of Prince Edward's Island are open to all. Public schools were established in 1871; but, in 1875, "separate" schools for Roman Catholics were constituted. In Manitoba, the Board of Education consists of seven Protestants and seven Catholics. Separate schools for Catholics have been provided in Ontario since 1851; and of late they have proved very annoying, because of the archbishop's refusal to give an account of the moneys transferred to him. Quebec has a minister of public instruction, assisted by a council of fourteen Catholics and seven Protestants, appointed by the Lieutenant-Governor. The school system is in the hands of the Catholics; but when a Protestant minority in any district becomes sufficiently powerful, "dissentient" schools are established. The school funds are raised by a tax—the property being so placed in "panels" that a Protestant can pay his taxes for dissentient schools, and a Catholic to the regularly constituted public schools. The situation is reversed in Ontario—the Catholic minority having the name of "separate" for their schools. Both the separate and the dissentient schools are guaranteed by a constitutional prohibition to legislate upon such matters. Having thus persisted in a division of the school funds, and,

in addition thereto, levied a specified sum each week upon each pupil in attendance, how shall the Canadian accept the school of America, absolutely free to all, and sustained by a fund that is not allowed to be divided among the various churches?

Fourth. So far as social life in Canada is concerned, there would be many difficulties in the way of annexation. The movement would be opposed by the numerous small officials of the Dominion whose future would be uncertain in the States. Comparatively great men in a population of five millions become rather insignificant when those five millions are absorbed in a nation of fifty millions. Who can expect that Sir John A. Macdonald will give up his seat in the imperial Privy Council, and his title as well? Or that the other prominent Canadians who were knighted on the sixtieth and sixty-first anniversaries of the Queen's birth, will become plain "Sam" Tilley, "Alec" Campbell, and so on, just as they were before their decorations were bestowed? Even Mirabeau grumbled when the revolution abolished all titles, and left him plain "Citizen Riquetti."

In the matter of public displays, also, what havoc will be wrought by annexation! The "opening in state" of both Dominion and provincial parliaments will become a thing of the past, and the Lieutenant-Governor of Ontario can lay aside his white satin breeches, red coat, and cocked hat, with a plume of many colors. The etiquette that requires one kind of flag for royalty, another for the Governor-General, and a third for the Lieutenant-Governor, must hie away to a more genial clime. The carved coats of the royal arms upon public buildings—shall they remain? Or shall the gorgeous red and yellow throne that did duty for the railway receptions of Lorne and Louise exist as a constant though harmless menace to republican institutions?

And yet the very social life of the Canadians may be that pivot upon which annexation will turn. Many of their most active business men and publicists are natives of the United States. The Senate has held such Americans as Messrs. Foster and Leonard; the House, Messrs. Currier, Plumb, Holton, Rynal, Miller, Wisner, and Colby; the Cabinet, Messrs. Huntington and Pope. The very founder of the lumber interest was Mr. Philemon Wright, who left Massachusetts eighty years ago for the site of Ottawa; and among his countrymen who have contributed to Canadian greatness in the same line of trade are Messrs. Eddy,

Merrill, Bronson, Perley, Baldwin, and Pattee. Then, too, almost every Canadian family has a representative in the United States. How foolish, therefore, is the policy that persists in constructing railways and canals to avoid contact with the territory of the American republic—a republic which never had any but the kindliest feeling toward the brethren dwelling north of the boundary line. In spite of Webster and Seward and Greeley, the people of the United States are willing to allow the Canadians time enough to work out their own destiny "without let or hindrance"; and any ebullitions of spirit that have been shown regarding the Washington treaty or the Halifax award must be considered as merely temporary, and not likely to affect the general result.

The movement for annexation, it will be readily inferred, must come from a cordial assent of the Canadians to the breadth and scope of our American institutions. Delays will come, for the reasons above noted, and for the further reason that, whichever party holds the Government, there will be reluctance to turn it over to the United States; while the party in opposition will still be encouraged by sufficient hope of success to delay any consummation. Hence Lord Dufferin, for Mr. Mackenzie, treated the subject with ridicule; Mr. Mackenzie himself contended that it was quite consistent for Canada and the United States to co-exist with different forms of government; and the late Hon. George Brown, in the Toronto "Globe," denied the existence of an annexation sentiment among the masses, and affirmed that it was confined to "some American citizens in our midst, and perhaps a half-score of native disappointed sucklethumbkins." The conservative side of the house is equally positive, and it would sooner think of welcoming Maine into the Dominion than of promoting annexation.

Amid such a protest against a political change, the comment of a recent Consul-General to Canada is appropriate: "It is like a lady who constantly affirms that she will never marry; but who, in most instances, embraces the first eligible opportunity to do so." That such a step is in contemplation is shown by the more independent portion of the Canadian press. The Hon. James Little also bears this testimony: "I have conversed with business men, traders, mechanics, lumberers, real estate owners, lawyers, and others, and have failed to meet with but two who did not strongly express their conviction that annexation is the

only salvation of the country, and I am fully convinced, if the question was fairly put before the people generally, nine-tenths of them who live by honest industry would take the same view, and rejoice at the change."

Why, then, should not the Canadians come, in their own good time? To the southward of their border they see a nation descended, for the most part, like themselves, from Englishmen. They see the younger and more enterprising men hastening from their native land to join these cousins who speak a common mother-tongue. They also see a prosperous people engaged in the laudable task of paying a public debt, while their own debt threatens financial shipwreck. They see a republican form of government consistent and appropriate in all its parts. They see a law of the nation dominating that of the several States; and they see a social equality uncontrolled from across the water. Their own situation in these respects shows no points of advantage, but rather the reverse. Even so high an authority as Sir Francis Hincks declares that the question of annexation is one which must not be decided by the majority. Sir Francis may be right, so far as the present temper of the Canadians is concerned; but if the logic of history or "the doctrine of historical progress" is consulted, the lay of the argument is with his opponent, Professor Goldwin Smith, by reason of his clear deductions and his wide acquaintance in either of the two countries. Professor Smith knows—what is apparent to every well-informed American—that the people of the United States will warmly welcome the Canadians, whenever they have made up their minds to cast in their lot and become an integral part of the American Republic.

FREDERIC G. MATHER.

CRIME AND PUNISHMENT IN NEW YORK.

It is not the purpose of this paper to present the statistics of crime in the city of New York, but to exhibit some of the principal causes of crime which are here in operation, and the inadequacy of the administration of justice to meet the case. A large city presents the greatest advantages and incitements to deeds of fraud, sensuality, and violence, by the denseness of the population and the facilities of concealment. Temptation is multiplied and the risk of exposure diminished from the same cause. The latter fact draws evil characters to a large city, and the former manufactures evil characters from among the citizens. But New York is not only a large city, but it is a sea-port, and the principal gate of immigration to the United States. Men of every clime throng its streets, and nearly one-half of its population has no personal or inherited interest in American institutions. The worst elements of European society are constantly brought into this civic caldron,—in many cases, the emptyings of almshouses and prisons. It is no light task to meet this onset of depravity with the firm hand of order, and make this heterogeneous mass take on any assimilation to the general constitution of American life. Too much has been said thoughtlessly of the misgovernment of this metropolitan city, where the critics have not considered the peculiar obstacles to social order to which we have referred. The real wonder is that New York is so well governed,—that, amid all the antagonisms to public peace which are found in it, it is, on the whole, an orderly city, and offers attractions for residence beyond any other city in the Union. There is far more rowdyism and drunken rioting in Glasgow and Liverpool than in New York; and the streets of New York, which have formed the theme of so much indignation because of their unclean condition, are pure and spotless in comparison with the streets of the cities of Southern Europe. It has become

popular to condemn New York, and to call it a modern Sodom; but nowhere in the world are so many and so mighty agencies in active operation for the material and moral welfare of the community. Churches, hospitals, charity homes, schools, libraries, galleries, benevolent societies, and other forms of gratuitous help to the comfort and welfare of the city, abound, and a general liberality toward all measures tending to elevate the tone of society is very conspicuous. It is, then, with no cynical feeling that we endeavor, in this article, to show where effort is still lacking, and where remedies ought speedily to be applied.

First. The first cause of crime that any unprejudiced observer will note, if he take any period and examine its police and court records, is the unrestricted sale of distilled liquors. If we omit the regular hotels that actually entertain travelers, we find eight thousand places in New York City where whisky is sold by the drink. In full accord with this fact, we find another, that five-sixths of the inmates of our almshouses and prisons were brought to their present distress by whisky. We notice daily, in the journals, accounts of fights and stabbings in the liquor-saloons, and we read how the murderer first maddens himself with whisky at one of these places, and then is able to use the knife or club. These facts cannot be disputed, and are not disputed. Now, these eight thousand drinking-saloons have no legal right to exist. The actual hotel is the only place where spirituous liquors can be legally sold by the drink. The innocent reader will indignantly ask, "Why, then, are these eight thousand permitted to continue as fountains of moral poison to the city?" The answer reveals a second cause of crime.

Second. The laws cannot be enforced. The excise commissioners have assumed the right to constitute any saloon a hotel. For three years past the citizens have been amused at the practical joke enacted throughout the city, where the proprietor of a drinking-shop fifteen feet square has put up his "Hotel" sign. Expostulation has been useless; entreaty has been despised; and legal proceedings against the commissioners have proved (through the intricacies of law processes and the admirable assistance these give to rogues) utterly unavailing. If the commissioners wished five dollars a saloon for the favor of a license, they could readily get it and make forty thousand dollars a year, and find this a far better business than attempting to enforce the law. The non-enforcement of law teaches a people to think lightly of law. A

loose execution of the laws will as surely increase the amount of law-breaking as water will seek its level. The restraint of law is in the knowledge of its certain execution. Remove that knowledge,—or, rather, replace it with a knowledge that the law will not be executed,—and law is worse than no law, for it not only permits crime, but it teaches contempt of all restraining statutes.

Third. The apathy of the public is a very large element in this sad condition of things. No one can doubt that the men of New York City who believe in law and order are a great majority. Their own pecuniary interests would make them so believe, even if they had no higher source of inspiration. This majority could cause the laws to be enforced instantly, if they should speak the word. But they will not speak the word. Why? Because they are so busied in their personal affairs that they will not give time to public affairs. They will say "God speed" to the reformer, and that is the last of it. They wish the city was orderly and law-observing; but for them to give, individually, a day or a dollar to make it so is out of the question.

Fourth. The influence of partisan politics is a direct agency in sustaining the whisky colleges, and in staying the enforcement of the laws against them. The men whom both parties send to the legislature at Albany are nominated in these nurseries of crime. There the rank and file of voters congregate. As respectable citizens refuse to take part in politics and lift them to a plane of virtue, the candidates for place and power resort to the lowest characters and their correspondingly low haunts, to obtain their votes. Bargaining and bribery form the warp and woof of this style of political goods. Crime and its punishment are not the themes these statesmen love to ponder; but, rather, the means and plunder of a party victory. Before we can improve the moral aspect of New York, we must see our good men endowed with public spirit, and votes withheld from every candidate, however "straight" his nomination, who has a doubtful character.

Fifth. The dilatoriness of officials in performing the functions for which nominally they were elected, and for which actually they are paid, is an evil closely connected with the last cause mentioned. If a party end is to be gained by delay, officials know well how to be polite and put you off. When most of the aldermen of the city are keepers of groggeries, can officials afford to be very prompt in attending to excise cases? Is it not natural in such circumstances for policemen to "not

see" it, and for police justices to find a flaw in the evidence, and district attorneys to have the calendar too full to put the case on? How easy it is to worry out a complainant with postponements, or, still better, to let the accused go off on a hundred dollars straw bail and to lock up the complainant in the House of Detention! The whole executive of the city is bound up indissolubly with the rum interests, and therefore cannot act honestly against either the groggeries or the crime they generate. Delays in execution of law spring chiefly from this cause, and not from any necessity in crowded calendar or deficient evidence.

We have now succinctly given the causes (all closely related) of crime in the city of New York. We may add that, while these causes exist and crime is encouraged, yet the grosser forms of crime, such as murder and burglary, are generally met by a prompt and vigorous action on the part of all the executive authorities. There is in the public mind a desire to punish crime, but a strange unwillingness to prevent it by the execution of the preventive laws. Judges and juries, as well as district attorneys and the police, are ready to overlook or treat lightly the offenses which bear the relation to the grosser crimes that the bud does to the flower. In this sphere of the lesser law-breaking, political intrigue and bribery have their chosen field. The officer who would not think of avoiding duty in a murder case will unhesitatingly consider a ten-dollar bill an ample reason for neglecting duty in an excise case, and the judge who would take any circumstantial evidence in a burglary case, and charge the jury to regard such evidence, will rule out all circumstantial evidence in a liquor case, and clear the party who has sold the whisky illegally, because the witnesses did not themselves drink the whisky! This is the common rule in all the New York courts.

This method of procedure, besides being intrinsically wrong and base, shows an utter failure of moral perception on the part of the public authorities. They have no clear and broad view of the character and connections of crime. The man who sold the whisky to the habitual drunkard is to be let off under some technical excuse or with a trifling fine, but the drunkard inflamed by this man's whisky, when he has gone home and cut his wife's throat, is to be hanged. This is the sage discrimination of our magistrates. Moreover, these men determine what laws they will enforce and what laws they will not enforce. They make themselves practically a legislature above the legislature.

Some of the facts connected with this loose criminal system (for it is a system) are ludicrous, as well as shameful. For example, a policeman is forbidden by the rules of the commissioners to enter any liquor-saloon, or to touch any liquor. The courts then rule that only those who have entered a liquor-saloon, and tasted the liquor, can give evidence. Consequently, the policemen of the city, who are appointed to watch over the interests of the city, and to detect and arrest law-breakers, are entirely precluded from ever detecting or arresting an illegal whisky-seller. The entire executive arm of the city is paralyzed as respects the vast evil of illegal liquor-selling, and that by a well-understood systematic arrangement on the part of the authorities. The policeman, placed under this system, is speedily demoralized. If he should innocently report a liquor-saloon as a suspicious place, he would be reprimanded by the captain, or sent to another precinct. So he soon learns to keep his mouth shut on such subjects, and ere long he knows how to stand outside the liquor-saloon, and drink off the glass which the bar-keeper slyly hands him.

If a company of citizens, at a great sacrifice of time and money, determine to prosecute any particular case, they meet with impediments from the beginning to the end. As we have seen, if the liquor is not tasted, the evidence is thrown out; if the liquor is tasted, then the taster is a miserable detective, a tempter to law-breaking, and such a man's evidence ought to go for nothing. If, however, after every form of delay and quirk, the case is at last proved, then the district attorney has his chance at worrying out the patience of the complainant, and months may elapse before an indictment is made, and the case brought into the final court. At length, when the trial actually takes place, every trick is used to get a liquor-loving jury, who will decide, not according to the evidence, but according to their sympathies. If the case successfully passes this ordeal, and the man is convicted, he is usually fined a few dollars, which he takes out of his vest pocket, and then goes back to his bar to do it all over again. If, after much reasoning with the judges to show them that fines are of no value in stopping these illegal procedures, the sentence is to a month's imprisonment, then you will find the sheriff, instead of taking his prisoner to the penitentiary, where striped clothes and shaved head would have been his lot, kindly permitting him to remain at the city prison, where he need

not afflict his person, but may enjoy his *otium* with cigars. These are the pleasant experiences of citizens who try to see law enforced against the will of the authorities. Now, it may be asked by the reader, what are the remedies that should be applied to this civic disease? Perhaps an experience of some years in the midst of this evil may qualify us to answer the question, and we commend the answer to the citizens of all large cities.

First. Let the city's politics be separated from the country's politics. Let the question in the city be one of personal fitness, by high moral qualities, for the official station. This may be begun by a man boldly voting for the nominee of the opposite party where he is manifestly the candidate of higher moral character. When many will do this, it can be made a custom, and politicians will learn not to rely on their party lines in our city affairs. Let the newspapers in favor of public morals speak out for this independent style of city voting for local magistrates. This will be the death of "machines," and all the corruption they manufacture. It will teach parties to vie with each other in nominating high-minded men, and the city would no more be disgraced by putting low rum-sellers and ignorant rowdies into places of trust and responsibility.

Second. Let every citizen take personal interest in the city's welfare. Each citizen should be willing to give both time and money to the common welfare. His very citizenship, with all that it is worth, makes him a debtor to the city so far forth as to give a watchful eye and a helping hand to the enforcement of law. It is a small type of man that says, "I pay my taxes and that is enough," and that thus offers to his city only his compulsory aid. Where is the voluntary aid that our city has a moral right to look for? Let a citizen, when he sees a law broken, take the trouble to make a complaint and appear as witness, even though it take several hours of his time from his business or his pleasures. Let him see that his own neighborhood is kept free from pollution. Let him encourage others to do likewise, and let him contribute to any approved organization which has for its object the enforcement of law. And when election day arrives, let him see to it that nothing prevents him from casting his vote, and that only for honest men.

Third. Let each community organize a Society for the Prevention of Crime, which, composed of well-known and trusted citizens, shall have the confidence of the community, and which shall use

all diligence to see that the laws are enforced, and that the officers of the law who fail to do their duty are exposed. In every truly democratic community such a vigilance committee (in its literal and simple meaning) should be found, doing nothing in secret, nor acting in the slightest degree *extra leges*, but letting bad officers know that they are watched, and encouraging good officers, who too often now are forced into a timid position by their evil colleagues. The moral power of a community can thus be concentrated, and be made irresistible.

When a citizen looks after a particular disorder, reports it to the authorities, and follows it up with such attention as will help the officers of justice to procure evidence and obtain conviction, right-minded and upright officers always commend the act, and thank the citizen for giving time and energy to assist them in establishing the order of the city. In like manner, a society which simply helps the officers of the law to detect and punish crime (and so prevent crime) will always be gratefully appreciated by upright officials who have the city's interest at heart. The talk of collusion, interference, officiousness, irresponsible power is found to emanate always from the rogues, who see in the vigilance committee a formidable enemy. From the same source comes the cry of extreme morality against detectives as wicked tempters. The law-breakers are greatly concerned lest the morality of the community should be injured by these volunteer societies. The same virtuous law-breakers declare the registering of the names of those who frequent dens of infamy to be a fearful infringement upon personal liberty. These illegal houses are under the ban of the law, and accordingly should be exposed, but it is a crime in the eyes of these critics of Law and Order societies to expose those who, by their constant custom, maintain these sinks of lawlessness and vice. That such nonsense should be soberly considered for a moment by the respectable journals is a reflection on their perspicacity. Every right movement is capable of being perverted in the details of its application. Every officer of the city may levy blackmail. We would not therefore abolish offices, but punish the particular offenders. So a society's agents may prove false, and use blackmailing threats, without affecting the importance of the society's functions. These individual cases of wrong-doing will be found in all things human, but it is only the illogical or the designing who can make the destruction of the society a necessary *sequitur* from this prem-

ise. Surely no just reason can be assigned why, when a house of ill-fame is broken up,—a house that has been a festering moral sore in the neighborhood,—the public record of the event should not contain the names of A, B, and C, who were found in it as parts of its iniquity. An outcry against this seems to come from the editors, and others who have personal reasons for a profound silence on the part of witnesses on this head. Such a record is no more blackmailing than it is slander. It is a truthful record of a fact in police duty which the public ought to know. One might just as righteously object to the publication of the names of the receivers of stolen goods. It is high time such squeamishness should give way to common sense and the demands of the public good.

We have pointed out three remedies for our civic disease. We do not believe they would prove a perfect cure; but we are sure they would reduce the amount of crime to very small proportions. Some improvements in our laws would greatly help the work of a true reform. Laws that would limit the discretion of excise commissioners, district attorneys, and judges would be most wholesome, and would make justice more certain; for now the uncertainty of punishment adequate to the crime or misdemeanor weakens the force of law. Take away from excise commissioners the power to determine what applicant has a good moral character, by making twenty of his immediate neighbors responsible for the decision; take away the power of the district attorney to postpone excise cases and other cases of (supposed) petty offenses, by setting apart certain days of each month exclusively for such cases; take away the power of judges to let off a defiant law-breaker with a nominal fine, by making imprisonment the only punishment for a second offense, and you will have done much to make your reform feasible. The law might, also, rightly allow the complainant's expenses to be paid out of the fine, on conviction; for it is hardly fair for a citizen of public spirit to consume his time and attention on a case of law-breaking, and then have to pay out of his own pocket the cost of his philanthropic and patriotic work. A law that would limit the number of places where liquor is sold by the glass, and reduce the eight thousand in New York to one thousand, would be of advantage in many respects, but chiefly that it would permit the officials of the city to have complete surveillance over these dangerous sources of crime. The great number now baffle all watching.

If our philosophy be right, the treatment of the breach of the excise laws should be most stern and severe. The places where crime is hatched should receive special attention, and every item of the law be fully and faithfully enforced. Instead of this, we find that just here the law is a practical nullity, except as a vigilance committee presses it in some particular instances. The police patrolmen, the roundsmen, the sergeants, the captains, the inspectors, the superintendent, and the four police commissioners, all know that every rum-bar on Broadway and Bowery is open on Sunday, directly against the law. They see the lights within, they hear the clinking of glasses and shouts of revelry, and they observe the *habitués* of the places going in by the back door; and yet these guardians of the city and sworn executors of the law will not lift a finger to stop this lawlessness. We have already considered the reasons why they will not. We mention the fact again, in order to impress upon our readers the importance of effecting a revolution in a public opinion which connives at such neglect of duty, and of bringing these manufactories of crime into the foreground for regulation and the exact enforcement of law.

We have taken New York City as our text, because of that city we have a thorough and accurate knowledge; but the principles, as well as the facts, will doubtless apply to all the large cities of our country, and hence our article, we trust, will not have a merely local interest or value. We have not used rhetorical appeals, or spread before our readers heart-rending pictures of vice and crime. We wish to arouse something deeper than emotion or sentiment. We wish to convince the reason and establish a firm basis of principle, from which systematic action may be expected to grow. The appeal is to the common sense of citizens. We have no patent theory, or radical measure of moral reform to propose; but ask our fellow-citizens to take time to consider this great fundamental question of crime and punishment in the community, to see what their duty is in the premises, and TO DO IT.

HOWARD CROSBY.

A MILITIA FOR THE SEA.

WASHINGTON, in his message to the Third Congress, said: "There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult we must be able to repel it; if we desire to secure peace—one of the most powerful instruments of our prosperity—it must be known at all times that we are ready for war."

Madison said: "If America should have vessels at all, she should have enough for all the purposes intended; to do her own carrying, to form a school for seamen, laying the foundation of a navy, and to be able to support herself against the interference of foreigners."

Jefferson, in his famous Report on Commerce, said: "Our navigation involves still higher considerations. As a branch of industry, it is valuable; but as a resource of defense essential. The position and circumstances of the United States leave them nothing to fear from their land-board, and nothing to desire beyond their present rights. But on the sea-board they are open to injury, and they have there, too, a commerce which must be protected. This can only be done by possessing a respectable body of citizen seamen, and of artisans and establishments in readiness for ship-building. If particular nations grasp at undue shares (of commerce or carrying), and more especially if they seize on the means of the United States to convert them into aliment for their own strength and withdraw them entirely from the support of those to whom they belong, defensive and protecting measures become necessary on the part of the nation whose marine resources are thus invaded, or it will be disarmed of its defense, its productions will be at the mercy of the nation which has possessed itself exclusively of the means of carrying them, and its politics may be influenced by those who command

its commerce. The carriage of our own commodities, if once established in another channel, cannot be resumed in the moment we desire. If we lose the seamen and artisans whom it now occupies, we lose the present means of marine defense, and time will be requisite to raise up others, when disgrace or losses shall bring home to our feelings the evils of having abandoned them."

These are not the words of ship-builders or ship-owners, but of three of the wisest and most far-sighted of our earlier statesmen. No one will question their patriotism, nor that they were seeking the best good of their country. The patriotic policy which they laid down was sustained both in our merchant marine and navy until the introduction of steam into the world's navies. Before that time, when all were alike dependent on wind and sail, no nation excelled ours in skillful and daring enterprise on the sea. It is since that introduction, and more especially since our civil war, that we have lost position, both in our naval power and merchant marine. Our Government appears to have had no settled policy with regard to either great interest, while foreign nations have paid close and increasing attention to both. As for the navy, a make-shift system has been followed. Whenever anything has been done, it has been under the stress of emergency, when all was confusion and alarm, and when an attempt was made to break up the Government, and the work of a year must be crowded into three months. The cry, "We must do the best we can in the crisis," has often been heard by our people; and when the crisis was over,—some sort of means to weather it having been patched up at enormous expense,—the same listless, indifferent policy has been again pursued. This course has cost the country many times more millions of dollars than were needed, if properly expended, to have made and maintained for us the most powerful navy and most profitable marine afloat. Yet, when all was done, what was there to show for it? This course has brought us to a condition of which Jefferson's words were only too prophetic. Particular nations have grasped at undue shares of our ocean-carrying; through neglect of protecting measures, we have been disarmed of defense; our products are at the mercy of foreign nations, and our politics have long felt the evils of foreign influence. It is time this was changed.

I propose to show our present naval condition, the costly consequences of naval weakness in the past, the urgent necessity to

provide naval protection for the future, and to suggest a plan to provide this protection in the most economical and effective way,—a way at once profitable to the Government and promotive of our commerce.

The United States has thirteen thousand five hundred miles of coast—fronting on two oceans and indented by a thousand harbors—to protect. Claiming like protection, also, are a coast marine and trade nearly, if not quite, equal to the entire foreign trade of the country, subject to be cut to pieces or broken up at any moment by a foreign power. I do not need to argue that first duty of government to provide for the proper protection of its people and property against attack on land or sea. As Secretary of the Navy Toucey said, in his report for 1860:

"That we must have a navy for protection and defense; that we must have the means of continuing it in existence, and of employing it; that the duty of providing both has been devolved on the Federal Government, are self-evident propositions. To be able at any time, at short notice, to throw a powerful naval force upon any given point where our interests are threatened, or the lives of American citizens are in jeopardy, is not only a constitutional duty, but one of the safest, most beneficent, and salutary powers that can be intrusted to official hands under a republican form of government. A policy of naval strength is essential to the protection of our coasts and commerce, and of American citizens and their property on the ocean and in distant countries; to the preservation of peace, the efficiency of negotiation, the general advancement of our commercial interests, the maintenance of our appropriate position among nations, and the prompt vindication of our rights and of the honor of the country."

What protection has the United States provided for its coast and coasting trade?

Again, our surplus products sent by ship to foreign markets amounted in 1870 to about 2,500,000 tons; in 1880 to over 15,000,000 tons, valued at $1,589,472,093; and in 1890, at anything like a proportionate increase, will be upward of 50,000,000 tons. We have for many years been paying from $70,000,000 to $100,000,000 a year in freight money to foreign carriers, are now paying $140,000,000, and this amount must increase proportionately with our exports. Our products are carried almost entirely in foreign bottoms, and are therefore liable at any time to be endangered by foreign complications. Suppose the three nations which are doing the principal part of our carrying—England, France, and Germany—should become involved in war. The first thing would be to attack each other's ships, and in destroy-

ing those ships destroy our products. We might then have the unpleasant experience of seeing the privateers of hostile nations lying in wait off Sandy Hook, to prey upon any ship that ventured to put out to sea loaded with our cargoes. What means have we to guard this great interest? What redress could national law give us in such a case? What could we do to secure the carrying of our products, having no ships of our own, nor the skilled labor to produce them, and being unable to buy them of England in such emergency? What danger should we then be in, through pursuing a policy of dependence upon foreign carriers and ship-builders? Would we for a moment allow our railroad system of transportation to be subject to such risks and chances? Yet is not the steam-ship line simply the continuation of the trunk line road to market? We cannot be safe unless the whole road is equally under our control at all times. Has the United States to-day this control or the power to procure it in case of sudden requirement? In this I have only pointed out what would be our condition if we were not directly involved in the war. I need not comment on what our condition would be if we were a party to it.

We have, it is true, a comparatively small amount of tonnage left in the foreign trade. But what protection has Government even for the little that is left? The mention of our navy only excites a smile. We have practically no means of protection whatever for any of these national interests. We could not to-day properly repulse an attack made by the weakest naval power of Europe. To face the fact squarely is the surest way to a remedy.

The common answer to statements of fact like these is, I am aware, that we are in no danger of attack; that we are, and shall remain, free from European complications; and that peace will be our perpetual possession. But that is no answer at all. It is a nation's duty to guard against the possibility, as well as the probability, of attack. The same answer would doubtless have been given in 1858. In fact, in that year the Secretary of the Navy said: "All our past experience has evinced the necessity of an increase of the navy. . . . Although it may be delayed, yet the time will soon come when this policy will be forced upon us under circumstances of great disadvantage, if not voluntarily adopted." The increase asked for was not granted, small as it was; but how soon that prediction was verified, though the

assault came not from without, but on that land-board which Jefferson deemed secure. But, aside from our own prospects of war, I have shown that, in a war between foreign nations, we should be the greatest sufferers through the delay and endangering of our products on their way to market. And what does the condition of the great European nations to-day make the more probable, peace or war? The following will give answer:

STANDING ARMIES OF THE LEADING NATIONS.

Nations.	*No. enlisted men.*	*Annual expense.*
Russia	788,000	$144,216,000
France	471,000	100,000,000
Germany	420,000	92,574,000
Spain	330,000	49,147,000
Austria	296,000	50,680,000
Italy	200,000	37,984,000
Great Britain	192,000	83,800,000
British India, natives in British service	123,862	100,000,000
United States	27,976	30,240,000
Total	2,768,838	$694,629,000

STANDING NAVIES OF THE LEADING NATIONS.

Nations.	*No. officers, seamen, etc.*	*No. ships.*	*Annual expense.*
Great Britain	58,800	400	$52,935,000
France	47,500	226	40,799,000
Russia	42,169	150	20,000,000
Spain	12,048	138	6,536,000
Italy	10,800	66	7,544,000
United States	8,250	139*	15,022,000
Germany	7,365	60	11,165,000
Austria	8,014	68	4,600,000
Brazil	6,184	63	9,994,000
Sweden	6,141	141	1,353,000
Total	207,271	1,451	$169,948,000
Total armies and navies	2,976,109		864,577,000

This shows, then, that the leading nations of the world employ in their standing armies and navies nearly three million

* More than one-half this number are tugs, worn-out sailing-vessels, and monitors for harbor defense, as will appear hereafter.

men, at an annual expense of over eight hundred and sixty million dollars. If to this were added the amount paid for the maintenance of militia reserves, the cost of arms and implements, of ships and fortifications, the grand total would be more than three thousand millions. Yet this immense preparation for war, with its great expense, originated from the brains of the wisest and greatest statesmen of the various European nations. No wonder the London "Times," in view of these things, said of a proposed increase of the German army:

"What is disturbing in the matter is the vivid revelation it affords of the terrible condition of the armed truce in which Europe exists from day to day. By wisdom and firmness, statesmen may avert a collision of these armed forces, but such an achievement will need incessant vigilance and patience. At such a time, England ought to hold herself as free as possible from all unnecessary entanglements, in order to be able, if necessary, to make her voice heard at some critical moment when the whole course of European history might be hanging in the balance. Far greater issues to the world are now at stake in Europe than in any other quarter of the globe, and, in deciding them, England may have a still more beneficent part to play than ever she has yet fulfilled. To play it effectively, she must be strong, and she should be at peace."

Suppose this collision were to come to-morrow, what effect would it have on our foreign trade, we having no means to meet the emergency? What effect would it have on the delivery of these fifteen million tons of surplus products which we are sending abroad, and on whose quick and safe delivery so largely depend the prosperity and financial security of the country? We, too, need to be strong and at peace. But with our present dependence upon foreign carriers, we should be helpless in case of emergency. We could neither carry nor protect our products, to say nothing of being powerless to take the opportunity that would be offered in part to regain the carrying trade that was taken from us during our civil strife. We could not meet the enormous demand that a foreign war would make upon our products, for want of ships and of means to build them. Washington's idea was the true one—that we are only prepared for peace when we are prepared for war.

If ever nation paid the penalty of non-preparation, this nation paid it in blood and treasure during our civil war. For want of preparation we suffered everything short of the destruction of

our Government. Our wonderful recuperative power, however, made us soon forget our great losses caused by neglect. What was our naval condition before the war broke out?

In 1858 we had above five million tons of sea-going tonnage, and stood second only to England as a commercial power. What navy had we to protect this tonnage? Of steam we had this formidable fleet: Fourteen wooden steamers, eight of them of three thousand tons each, speed not to exceed nine knots; three side-wheel steamers, of no efficiency as war steamers; two tenders, one dispatch-boat. This fleet was scattered. Of sail we had ten ships of the line, two of them unseaworthy; ten frigates, only two of them serviceable; twenty sloops, eleven of them useless; and some store-ships. The Secretary of the Navy recommended converting the eight ships of the line into steam frigates, as they were of little value as they were. The importance of speed, he said, could not be too highly estimated. Of two war vessels, equal otherwise, the one having greatest speed would possess a decisive advantage, and in a contest be most sure to win. Wind could no longer be relied upon in naval warfare—steam was the essential. Yet there was not a fast steam vessel in the whole navy. The Secretary declared it was impossible, with the existing naval force, to give adequate protection to the persons and property of American citizens on land and sea in all parts of the world. But his appeals for appropriations to rebuild old vessels and build ten new war steamers that were imperatively required, went unheeded.

Mr. Toucey did all that one man could to impress upon Congress the need of a more powerful navy, in order to maintain our rights and the honor of the country. But practically our naval condition remained little better in 1860 than it was in 1858. What was the result? While in 1860 the Secretary could not get from Congress an appropriation of a million, in a year afterward the Government was spending millions for naval purposes; building ships of green timber, which rotted in many cases before they could be launched; buying ships wherever they could be had at any price, and leaving their place in the carrying trade to be filled by foreign carriers; doing the best that could be done in the rush of an emergency, and paying roundly for it; spending millions where thousands would have gone further if properly expended in time of peace. The following shows the war expenditure for seven years:

EXPENDITURES OF THE WAR AND NAVY DEPARTMENTS.*

Years.	*Army.*	*Navy.*
1860	$16,472,203	$11,514,650
1861	23,001,531	12,387,157
1862	389,173,562	42,640,353
1863	603,314,412	63,261,235
1864	690,391,049	85,704,963
1865	1,030,690,400	122,617,434
1866	283,154,676	43,285,662

The want of a strong navy to effectively blockade the Southern coast at the beginning of the contest was our weak point. Had we expended between 1850 and 1860 even the $42,000,000 that were granted in 1862, and to that extent built up a steam navy suitable to our commercial position, we could have closed every Southern port, and, by shutting off the sources of supply, have terminated the war within a year. This was the opinion not only of Secretary Seward, but of other eminent statesmen. A glance at the expenditures subsequent to 1862, as given above, will show somewhat of the financial saving such a termination would have effected. Who can estimate the value of the lives and property that would have been saved in such an event?

What did our Government do in its extremity? Probably the best that could have been done at such a time, as I have said. And in what I say of our naval expenditures I am not criticising what was done; I am condemning only the want of preparation, the do-nothing policy that allowed us to reach such a time unprepared. The terrible cost and loss were an inevitable result of that neglect.

Secretary Welles's report, in 1868, shows that the number of vessels built and begun by and for the Government, after the firing on Sumter, was one hundred and seventy-nine, at a total cost of some $80,000,000. Of these about one-half were built in the navy-yards, though the power to create them there came from the private workshops; the rest, together with all the engines, were built in private yards, the Government, with all its navy-yards, not having the means to build

* These enormous sums, it should be remembered, were not gold, but our depreciated currency. Through want of preparation, the Government credit had broken down, and its money during this expenditure was worth only fifty cents on the dollar, so that really double the price was paid for everything. Add to this the sum paid by States, counties, and cities to send men to the field, and the immense cost will be seen.

an iron-clad. The most important war-ships were not finished until after the war was over, and no less than one hundred and twenty of the vessels were not ready for use until 1863 and 1864, long after the contest should have been and would have been ended had our navy possessed even fifty good iron and steam war-vessels in 1861. It was a well-known fact that a great part of these vessels and of our vast naval expenditure were undertaken by the Government, not to crush out the Southern Confederacy, but to meet the emergencies threatening us from other quarters; to serve as precautionary measures against the unfriendly feeling that existed and was growing against us in England and other foreign countries. And great credit is due to the wise and courageous leaders of our Government who took the responsibility of those measures in behalf of the Union. Had they not succeeded, what a spectacle we should present to the world to-day as a divided country—two nations fighting perpetually against each other's best interests, instead of a prosperous and indivisible Union. In the building of these ships, also, was proven the marvelous energy and ability and resources of our people when called upon to meet a sudden crisis.

In addition to the ships built, the Government bought four hundred and ninety-seven ships of all sorts in character, tonnage, and price, at an expense of about forty millions more. It was impossible to stop to consider the fitness of these vessels for anything but the immediate requirements of the nation, nor was it a time to think about expense. It is not strange, therefore, though it is a striking comment on the consequences of not providing proper defense at the proper time, that after the war three hundred and sixty-three of these purchased ships were sold for what could be got for them at public auction, while ninety-seven more were lost, destroyed, or sunk as obstructions during the war, leaving but thirty-seven still in service in 1868. All this was necessary in a war with an enemy that had no navy. What would have been our position if we had been attacked by a nation that had a navy?

Whatever there is in our naval record that is unpleasant to reflect upon, was due entirely to a lack of the proper means of naval defense. That should be borne in mind. The glorious deeds of our naval heroes, and the great things done with what resources were obtainable, fill famous chapters of our history that are familiar.

But it may be said by some that, while our naval condition was so pitiable in 1860, it is far superior to-day, through the navy that was built up during the war. Unfortunately, that is not the case; while, if we compare the naval progress we have made since 1860 with the naval progress made by the chief European nations, it will be found that we are far more incompetent and unprepared to meet an attack than we were in 1860. Let us look at the condition of our navy to-day.

The one hundred and thirty-nine ships accredited to the United States in the table above make a fictitious showing of strength. What is the character of these ships? According to the navy register of 1879, sixty-seven were steam sea-going vessels of war of all classes; twenty-two were sea-going sailing vessels of war; twenty-four were iron-clads, for coast and harbor defense; two were torpedo vessels, and the remainder were tugs, dispatch-boats, etc. Regarding this fleet, the Naval Committee of the House of Representatives reported as follows: "Small as the number of our naval vessels is, as compared with the other navies of the world, in real fighting power the navy is infinitely smaller, and it is time Congress and the country should face the fact and provide the remedy." Going into the details, we find that the sailing vessels are "old worthies of a past age," only five of them in bare condition for navigation, none of them fit for any war service whatever. Of the twenty-four iron-clads, only fourteen are in condition for effective service, and not one of them carries a rifled gun. This leaves us only the sixty-seven steam vessels—the navy proper—to consider. The five "first-rates," which were originally fine war-ships, are now classed as obsolete, and practically out of use for war. Of the twenty-seven "second-rates," but nine are fit for sea, seven are worthless and to be sold, three are rotten on the stocks, the rest are disabled or under repair. Of the twenty-nine "third-rates," six are laid up as worthless, six are undergoing repair, two are antiquated paddle-wheel steamers, of no naval value; the remaining fifteen are small cruising vessels, none of them of a thousand tons, or able to be effective in a war with a modern naval power. In this whole fleet of steamers, but one has a speed of fourteen knots, three have a speed of thirteen, four a speed of perhaps twelve knots. The rest are slow, large consumers of coal, and furnished with a style of machinery long since discarded by even the merchant marine of the world. No one of them could overhaul an ordinary merchantman. Yet

speed is the first and indispensable element of success in naval warfare to-day. These figures are all taken from Congressional reports, and are authentic. They show that we have but twenty-four ships of war that could go to sea in case of attack on us, and that not one of these is a first-rate war-ship; hence, that we have practically no means of naval defense worthy of the name. We are liable to insult, because it is known all over the world that we are not able to repel it—the condition Washington urgently advised the nation to avoid. Our utter naval weakness was made apparent in 1875, when trouble with Spain seemed imminent. Attempt was made to put in shape some of the old iron monitors that were built in a hurry in the midst of our war, and useless as modern war-ships. None of them were capable of making seven knots an hour; but we had nothing else, and must patch up something to make a show.

To take care of this navy, which certainly is not strong enough to take care of itself, we have eight navy-yards, valued at one hundred million dollars. It is unquestionably wise to maintain these as a reserve power. But in these yards there are not facilities to produce a single iron-clad, nor can the plates required for such a vessel be made in this country; so that, if we wanted to reconstruct our navy to-day, we could not do it without buying the armor plating from Great Britain. Then these yards employ only some three thousand men, while they have capacity for sixty thousand. It is not our policy to keep a large working force in them while at peace, nor to make them schools to educate skilled mechanics. For these, in case of emergency, the Government has relied upon the private ship-yards and workshops, and it was the sixty thousand workmen called from these private sources that filled the empty navy-yards, and made them of service in the time of our need. How invaluable to our Government then proved this army of mechanics, raised from those practical schools of industry which the policy of the free trade and free ship advocate would have shut up, leaving us dependent upon foreigners for the means of defense, instead of having the power within ourselves to produce them. Soldiers and sailors may be obtained at any time; not so skilled mechanics. They must be trained up, year by year, and no amount of money could procure them, at short notice, for a country that had them not in its workshops.

It should be said here, in justice, that our want has never been for trained, brave, and efficient men, whether in command

or in the ranks. In our navy we have always had men of talent in their profession equal to any who can be named in the naval annals of the world. That we should retain a naval force of so high character and efficiency, with so inadequate a fleet, is a great credit to our nationality. In case of a naval war to-morrow, we could send into it some of the best naval material, in men, in the world; but to send them into it in any war-ships we possess would be like the blunder of sending the Six Hundred to their death in the charge at Balaklava. Every American recalls with pride the naval achievements in our late war, and in that more especially naval war of 1812, where our naval forces incontestably proved their superiority, and won for this country such recognition and prestige on the ocean as we could not compel to-day. Our whole naval record from 1775 down is a noble one, making our position now appear but the more unworthy and pitiable by contrast.

In view of the facts, which are open to study for all, I think there will be no question that this nation is destitute of a navy adequate either to defend its coast and harbors, its coasting trade, and its flag on the high seas, or to make aggressive warfare on the commerce of any nation that might attack it. Its condition is lamentable and dangerous, and utterly without excuse in a nation so great, prosperous, and powerful in other ways. The practical question is, How can this condition be changed into what it ought to be in the best and most economical way? Must we maintain a large and expensive navy, as the European nations do, or can the end of protection be secured with less cost?

The policy of this Government has always been opposed to the maintenance of a large standing army and navy, to eat up the substance and place a heavy tax on the prosperity of the people. Its land policy has been to maintain the nucleus of an army, and to rely for defense in emergency upon the militia, which is supported by Congress and the States at a comparatively insignificant expense. There is no doubt that our resources are ample under this system, and it is both wise and cheap. The naval policy has been similar, to maintain a small navy. But here the essential difference of conditions has been overlooked. Soldiers can be called out, and volunteers enlisted, and march away at a day's notice on the land; but while sailors may be enlisted in plenty, they must have ships in which to go forth to

battle on the sea. No matter how small the naval force may be, the Government, in order to be safe, must keep up a naval fleet in readiness for action. We have not done this. How can we do it so as to make our naval policy also wise and cheap?

In the discussion of this matter of naval defense which has taken place of late years, much has been said about making provision for the safety of our harbors and coast,—and it cannot be done too soon,—but scarcely anything about inflicting punishment upon an enemy. This is, however, one of the most important features of naval power. Look at it a moment, taking England's position as an example. She cannot raise her own bread, and is dependent upon the outside world for the raw material—except coal and iron—to keep her factories running and her people employed. She has more money invested in ships and manufacture than France, Germany, and Italy—I might almost say the whole of Europe—together. She has to sell five-sixths of the products of her factories in exchange for bread and raw material, consuming only one-sixth at home; and these products are sent to the world's markets in her ships, which are also carriers, to a great extent, for the other nations. Her road to market is the common highway of all nations, the sea. No blow could be struck at her with so deadly effect as to attack her commerce, for this strikes at her factories. What effect would it have on her—since nations study their own condition as well as their enemy's before going to war—to know that we had a fleet ready to prey upon her $700,000,000 worth of shipping? And would not a like knowledge on the part of other nations, also susceptible of attack in this way, tend to give this nation strength and dignity?

The protection of our harbors is neither a difficult nor a costly problem to solve. This secured, we do not need a great and expensive navy proper, like the European navies. But what ships of war we have should be of the most improved and effective class. In obtaining these, we have the benefit of the expensive experiments made by the European governments. Experience has proved that the first requisite is speed, which gives a wonderful advantage either in attack or retreat. To attain this, a million dollars might be spent on one ship, and though the maximum speed might not be required five times in the ship's life, it might be of more value and importance to the nation in a crisis than ten times its cost. One iron-clad of great speed would be more

effective than three slow ones of the same size and equipment. Fifty ships of this class would, of themselves, make a powerful navy. But beyond this we need a naval resource, readily within reach, yet costing the Government nothing in time of peace. The question is how we can, in the best and cheapest way, obtain such a resource. I take this opportunity to submit a plan by which I believe we can secure to the nation these important benefits.

The plan starts with the construction of one hundred fast iron screw steam-ships, to be divided into five classes. All to be engaged in the foreign trade.

20 of these ships should be of 4000 tons burden, with a speed of 16 knots.
20 of 4000 tons, with a speed of 15 knots.
20 of 3500 " " " 15 "
20 of 3000 " " " 15 "
20 of 2500 " " " 15 "

The last twenty to have a draft of water not exceeding, when loaded, fourteen feet, so as to enter some of our Southern ports. This would make a carrying capacity of 340,000 tons. Each vessel would make a voyage monthly, and, with the back cargo, would be equal to a carrying capacity of 8,160,000 tons per year. Deduct from this 25 per cent., as the vessels may not run full, and we should have 6,120,000 tons per year. Add to this our present carrying capacity, and we should have over 8,500,000 tons of commerce. The average price of carrying to foreign markets for several years past has not been less than $7.50 per ton; this would make $63,750,000. Those ships, being fast, would earn in passage money at least $7,000,000, or a total earning of over $70,000,000 yearly. This amount of gold retained in the country and distributed among our own mechanics and merchants, would strengthen our financial condition, make money cheaper and consequently lessen the cost of ships, as well as other articles manufactured in this country. The next feature of the plan is, How is this result to be accomplished? No man will question the fact that England, with her great advantages of cheap labor and cheap capital, commenced such a work as contemplated above about forty years ago, and in that time has expended on mail service, and in opening up

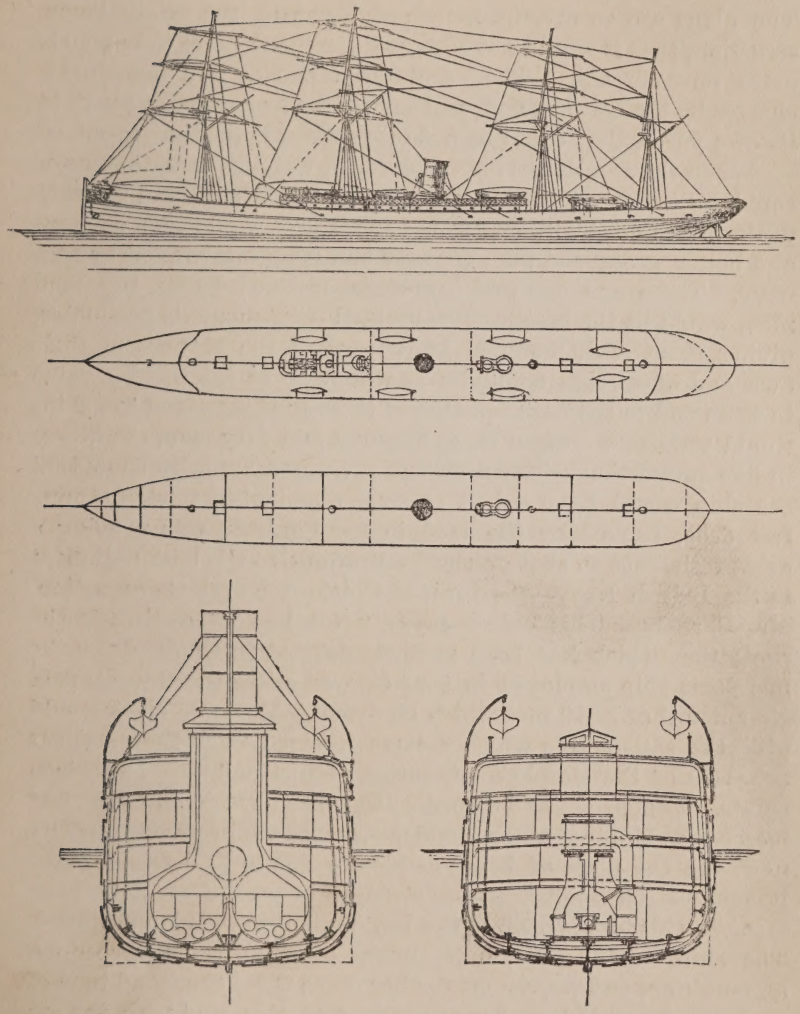
new markets which give her the grand position she holds to-day on the ocean, $200,000,000, or an average of $5,000,000 per year, and she yet continues the same wise policy where needed. France is doing this very thing to-day, and even more than England, for she pays a bounty on the building of the ship. And not only have England and France spent enormous sums in this direction, they have also expended millions on great navies to keep the road open for those pioneers of commerce. Indeed, England and France both made a great mistake when planning those vessels of commerce, in not having done it so that in an emergency they could be converted into vessels of war, thereby saving the expense of those great navies. In my plan, I propose to avoid that mistake; for, if our Government will encourage the construction of those ships, this can be done without very much additional cost to the merchant.

Suppose our Government were to appropriate each year from three to five million dollars, as might be required, with the objects in view of carrying our mails and opening new markets to our increasing manufactured and agricultural productions, thus guarding against the complications of a European war by having our commerce under our own flag, and building up a steam navy superior to any we have ever had, and equal to any now afloat under any flag. Such a course, I say, with the present cheapness of capital, and the knowledge that our Government had adopted a similar policy to that of England and France, would inspire such confidence in the minds of our merchants and men of capital that they would furnish the capital for the accomplishment of so grand an object, not merely, perhaps, through any patriotic motive, but from the knowledge that the investment would pay. I know one man from whom one-quarter of the amount needed to construct the whole fleet could be procured at once, on the following basis:

The Government to advertise—giving an equal chance to the ship-owners and capitalists of the whole nation—for the building of such steamers, to run on such service for a term of ten years, these ships to conform in speed and tonnage to those above classified, to be built on plans approved by the Government, limiting the mail service to a certain amount per mile, according to speed and tonnage, to be given to the lowest bidder.

The following drawings [pages 191 and 194] represent a ship as a merchantman altered to an iron-clad cruiser.

MERCHANT STEAMER.



Length over all	416 feet.
Beam	44½ "
Depth	29 "
Deep-load draft	23 "
Speed	15 knots.

Scale, 120 feet to 1 inch.

This alteration, when required, could be made in thirty days; our eight navy-yards doing sixteen, and private yards the rest. The plans are so arranged, by provisions in the original construction, that it would not cost the merchant more than $5,000 extra on each ship. They could be taken at any time under charter by the Government, and having the armor plates ready in its own yards, they could be put into service in the time specified.

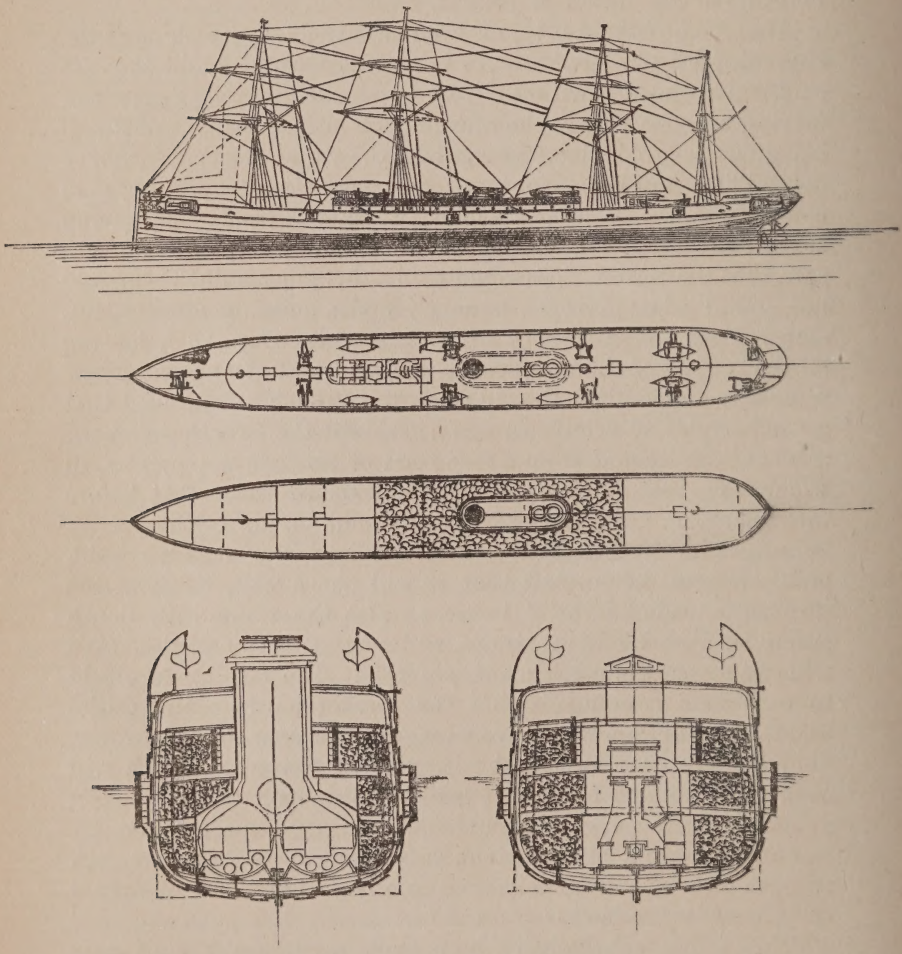
When the vessels are not required for war purposes, the armor could be taken off at not more than $2,000 cost, and the ship again put to her legitimate work. This fleet would give us more and better protection than we ever had from our present or past navy. These one hundred iron-clads, manned by six thousand men, would be the best practical school for Annapolis graduates, giving them such practical knowledge of the harbors of their own and of foreign countries as would be of inestimable value to them and to the nation. One of these four-thousand-ton ships would require a crew of three hundred and fifty men, the others in like proportion. The drawings presented herewith show that the ship would have a belt of steel nine inches thick and nine feet deep, backed by the coal in her bunkers, this proving a great resistance to shot or shell, according to the best authority in the British Navy—the present Chief of Naval Construction, Mr. Barnaby. This officer says: "Not less interesting is the protection which has been recently devised in England for the merchant ship employed in time of war under the Queen's flag. No amount of resistance which an armor-plate could show would give the satisfaction which I have received from the excellent behavior of the simple combination of fuel and thin loose iron sheets. Coal-armor and torpedoes together have given to the fast merchant shipping of England a significance in warfare wholly new. In the place of being helpless wards to be defended, they become active combatants—a strength instead of an embarrassment." This idea is utilized to a large extent in the plan proposed. The ship would carry, independent of small arms, torpedoes, ammunition, and provisions for her crew, three thousand tons of coal, which would keep her at sea four months, and with the aid of sails,—when great speed is not necessary,—very much longer. The boilers and machinery would be placed below the water-line, except a small part of the engine, which is protected, as represented in the drawing, by a steel turret, and the smoke-stack, as shown, is a telescopic pipe, to be lowered when in action.

The plan in its details might be improved by being referred to a board of naval officers and practical ship-builders and merchants, and, if approved, would be entirely consistent with the views of the founders of our Government, and with the best interests of the nation at present.

Had we possessed fifty, or even twenty-five, such ships at the beginning of our civil war, it is almost beyond doubt that we could have ended it within a year by blockading every port, and driving off such aids as the Shenandoah and Alabama. With all her great navy, England recognizes the value of such a supplemental fleet, and has encouraged its construction by offering mail compensation. France, after long trying the policy of buying ships from England, as some are urging we ought to do, has seen that the nation that would own ships must build them, and has passed a law giving a bounty for the building of merchant ships. Prince Bismarck, in a memorial to the German Reichstag on the subject of the new French law, said that after many years' discussion, and exhaustive inquiry, the French had decided that a whole series of privileges was needed for the French merchant service. He quoted from a memorial of British ship-owners, in which they said: "It is no exaggeration to assert that before the expiration of a year, after the promulgation of the French bounties bill, the French merchant service will receive a considerable augmentation, and that it will share with England the transport trade of the Atlantic, as also the trade with South America, East India, Australia, and other British colonies. We will not depict the consequences of this. The bounties are said to constitute a compensation for certain burdens and duties imposed upon the respective circles. The recipients, however, view them in the right light, viz., that of State aid, which will enable the French owners speedily to establish and develop a great merchant navy, so that the shipping transport trade may be carried on to a larger extent than hitherto by French vessels, and *in order to create for France a powerful navy, which may prove of effective service in time of war.*"

This shows conclusively how such a merchant marine is looked upon as an effective means of defense by the English and French; and Prince Bismarck joins in the view. He continued that it was admitted by all, in the arguments used in France, that "the merchant service is the handmaid of all other industries, of agriculture and commerce. On the day when the freight trade is

MERCHANT STEAMER CONVERTED INTO AN ARMOR-PLATED CRUISER.



Steel Armor, 9 inches thick, 9 feet deep.

NUMBER AND CALIBER OF GUNS:

Two 8-inch rifled guns.	Two 60-lb. rifled guns.
Six 80-lb. " "	Two Gatling guns.

given over to foreigners, a mortal blow will be dealt to all the industries of the country. It would be an anomaly, from a national stand-point, to cede the transport trade to industrial rivals. In choosing these to export home products, people are exposing themselves to all kinds of foul play." Besides, it was the merchant service, and its captains, that created profitable trade relations with other countries, while it was impossible to regain foreign markets with the aid of foreign agents and negotiations.

With regard to mail subsidies to steam-ship lines, the memorial says: "These enterprises cannot dispense with Government aid, and this has always been afforded in a productive manner, as soon as it was a question of paving the way for our traffic in distant markets. England has given the example of using mail steamers as the pioneers for the creation or expansion of commercial relations. It is deserving of serious consideration, whether under the circumstances German shipping and commerce can hope for further prosperous development as against the competition of other nations aided by public funds and assistance." Such is the view of one of the keenest statesmen of Europe as to the importance of a merchant marine to the interests of a country. It is in strange contrast to some writers of the present day in our own land, who say contemptuously that it makes no difference to this nation whether it has any ships or commerce at all.

In closing, I want to say that this question of defense is one that concerns the whole nation alike. It ought not to be dealt with as a sectional or a political question, but on its merits purely as a great national interest. If anybody has a better plan than mine to propose, let him propose it. Something ought to be done for our navy at once. The present plan is intended to build up a navy and revive our carrying trade at the same time. Can there be any doubt as to the advantage it would be to this country to have such a fleet of swift steam-ships, in time of peace developing the nation's wealth by opening up new markets for our surplus products, and in time of war or in case of emergency, ready with trained American engineers and seamen to defend the nation at its call? Such a fleet might well be named the militia of the sea. With it we should possess a mighty safeguard, worth a million-fold whatever trifling expense it might be to the nation. In a merchant marine of this class, the United States must seek not only the promoter of its commerce, but the economical and effective means of its naval defense.

JOHN ROACH.

ASTRONOMICAL OBSERVATORIES.

AMONG the contributions of public and private munificence to the advance of knowledge, none are more worthy of praise than those which have been devoted to astronomy. Among all the sciences, this is the one which is most completely dependent upon such contributions, because it has the least immediate application to the welfare of the individual. Happily, it is also the science of which the results are best adapted to strike the mind, and it has thus kept a position in public estimation which it could hardly have gained if it had depended for success solely upon its application to the practical problems of life. That the means which have been devoted to its prosecution have not always been expended in a manner which we now see would have been the best, is to be expected from the very nature of the case. Indeed, a large portion of the labor spent in any kind of scientific research is, in a certain sense, wasted, because the very knowledge which shows us how we might have done better has been gained through a long series of fruitless trials. But it is due both to ourselves and the patrons of astronomy that as soon as any knowledge bearing upon the question of the past application of money to the advance of science is obtained, use should be made of it to point out the mistakes of the past and the lessons for the future. It is now patent to all who have made a wide study of the subject that large amounts have been either wasted or applied in ways not the most effective in the erection and outfit of astronomical observatories. Since Tycho Brahe built his great establishment at Uraniburg, astronomical research has been associated in the public mind with lofty observatories and great telescopes. Whenever a monarch has desired to associate his name with science, he has designed an observatory proportional to the magnitude of his ambition, fitted it out with instruments on a corresponding scale, and then rested in serene satisfaction.

If we measure greatness by cubic yards, then Peter the Great and "Le Grand Monarque" were the founders of two of the greatest observatories ever built. That of St. Petersburg was completed in 1725, the year of Peter's death, and was an edifice of two hundred and twenty-five feet front, with central towers one hundred and forty feet high. It had three tiers of galleries on the outside for observation, and was supplied with nearly every instrument known to the astronomers of the time, without reference to the practicability of finding observers to use them. It was nearly destroyed by fire in 1747, but was partially rebuilt, and now forms part of the building occupied by the Imperial Academy of Sciences. The Paris Observatory, built half a century earlier, still stands, its massive walls and arched ceilings reminding one rather of a fortress than of an astronomical institution.

Notwithstanding the magnificence of these structures, they have had little essential connection with the progress of astronomy. It is true that the work done at both establishments takes a prominent place in the history of science, but most of it could have been done equally well under wooden sheds erected for the protection of the instruments from the weather. In recent times, the St. Petersburg Observatory has been found so unsuitable for its purpose that no observation of real value can be made, and its existence has been nearly forgotten. The great building at Paris, though associated with a series of astronomical researches second to none in the world, has really served scarcely any other purpose than those of a physical laboratory, store-house, and offices. The more important observations have always been made in the surrounding garden, or in inexpensive wings or other structures erected for the purpose.

With these establishments it will be instructive to compare the Greenwich Observatory. The latter has never won the title of great. It was originally established on the most modest scale, for the special purpose of making such observations as would conduce to the determination of the longitude at sea. Although it has now entered upon its third century, no attempt has ever been made to reconstruct it on a grand scale. Whenever any part of it was found insufficient for its purpose, new rooms were built for the special object in view, and thus it has been growing from the beginning by a process as natural and simple as that of the growth of a tree. Even now, the money value of its structure is less than that of several other public observatories, although

it eclipses them all in the results of its work. Haeckel lays it down as a general law of research that the amount of original investigation actually prosecuted by a scientific institution is inversely proportional to its magnitude. Although this may be regarded as a humorous exaggeration, it teaches what the history of science shows to be a valuable lesson.

A glance at the number and work of the astronomical observatories of the present time will show how great a waste of means has been suffered in their erection and management. The last volume of the "American Ephemeris" contains a list of nearly 150 observatories, supposed to be, or to have recently been, in a state of "astronomical activity." The number omitted because they have lain inactive it is impossible to estimate; but it is not unlikely that, in this country at least, they are as numerous as those retained. It is safe to say that nearly everything of considerable value which has been done by all these establishments could have been better done by two or three well-organized observatories in each of the principal civilized countries. Indeed, if we leave out of account local benefits, such as the distribution of time, the instruction of students, and the entertainment of the public, it will be found that nearly all the astronomical researches of really permanent value have been made at a very small number of these institutions. The most useful branch of astronomy has hitherto been that which, treating of the positions and motions of the heavenly bodies, is practically applied to the determination of geographical positions on land and at sea. The Greenwich Observatory has, during the past century, been so far the largest contributor in this direction as to give rise to the remark that, if this branch of astronomy were entirely lost, it could be reconstructed from the Greenwich observations alone. During the past twenty years, the four observatories at Greenwich, Pulkowa, Paris, and Washington have been so far the largest contributors to what we may call geometrical astronomy that, in this particular direction, the work of the hundred others, in the northern hemisphere at least, can be regarded only as subsidiary.

This remark, it will be understood, applies only to that special branch of astronomy which treats of the positions and motions of the heavenly bodies. The other great branch of the science treats of the aspect and physical constitution of these bodies. It dates from the invention of the telescope, because, without this

instrument and its accessories, no detailed study of the heavenly bodies is possible. The field open to the telescope has, during the last twenty years, been immensely widened by the introduction of the spectroscope, the ultimate results of which it is scarcely possible to appreciate. Photography has recently been introduced as an accessory to both instruments; but this is not so much an independent instrument of research as a means of recording the results of the spectroscope and telescope. To this branch of the science a great number of observatories, public and private, have duly contributed, but, as we shall presently see, the ratio of results to means is far less than it would have been had their work all been done on a well-organized system.

Nearly all great public observatories have hitherto been constructed for the purpose of pursuing the first branch of the science,—that which concerns itself, so to speak, with the geometry of the heavens. This was naturally the practice before the spectroscope opened up so new and rich a field. Even now, there is one sound reason for adhering to this practice—namely, that physical investigations, however made, must be the work of individuals, rather than of establishments. There is no need of a great and expensive institution for the prosecution of spectroscopic observations. The man of genius with imperfect instruments will outdo the man of routine in the greatest building, with the most perfect appliances that wealth can supply. The combination of qualities which insures success in such endeavors is so rare that it is never safe to count upon securing it. Hence, even now, a great observatory for the prosecution of physical research would be a somewhat hazardous experiment, unless the work it was to do were well mapped out beforehand.

Considering the great mass of observatories devoted to geometrical astronomy, the first thing to strike the professional student of their work is their want of means for a really useful and long-continued activity; and this notwithstanding that their instrumental equipment may be all that could be required. The reason is that their founders have not sufficiently taken into account the fact that the support of astronomers and the publication of observations is necessary to the usefulness of such an establishment, and requires a much larger endowment than the mere outfit of the building. Let us take, for instance, that omnipresent and most useful instrument, the meridian circle. Four or five of these instruments, of moderate size, located in good

climates, properly manned, under skillful superintendence, working in coöperation with each other, would do everything necessary for the department of research to which they are applicable, and a great deal more than is to be expected from all the meridian circles of the world, under the conditions in which they are actually placed. They could, within the first five years, make several independent determinations of the fundamental data of astronomy, including the positions and motions of several hundred of the brighter fixed stars. In five years more, they could extend their activity so as to fix the position of every star in the heavens visible to the naked eye; and, during the ten years following, could prepare such a catalogue of telescopic stars as there is no prospect of our seeing during the next half-century.

There are probably not less than twenty meridian circles in this country alone, most of them antiquated, it is true, yet, so far as average size and cost are concerned, amply sufficient for the work in question. How many there may be in other countries it is impossible to estimate, but probably fifty or upward, and the number is everywhere constantly increasing. Should we seek out what they are doing, we should probably find half of them rusting in idleness upon their pivots. With others, some industrious professor or student would be found making, unaided, a series of observations to be left among the records of the establishment, or immured in the pages of the "Astronomische Nachrichten," with small chance in either case of ever being used. We may be sure that the solitary observer will soon find something else to do, and leave the instrument once more in idleness. Others we should find employed in the occasional instruction of students, a costly instrument being used where a rough and cheap one, which the student could take to pieces and investigate at pleasure, would answer a far better purpose. Yet others we should find used in distributing time to the neighboring cities or States, or regulating chronometers for the shipping of a port. I dare not guess how many we should find engaged in work really requiring an instrument of the finest class, and gaining results which are to contribute to the astronomy of the future, but in our own country there would hardly be more than three.

The general cause of this state of things lies upon the surface. It is as true in astronomy as in any other department of human affairs that the best results can be attained only by a careful

adaptation of means to ends. Failures have arisen, not from the intervention of any active opposing agency, but because observatories have been founded without a clear conception of the object to be attained, and therefore without the best adaptation of means to ends. To build an observatory before knowing what it is going to do is much like designing a machine-shop and putting in a large collection of improved tools and machinery before concluding what the shop is to make, and what are the conditions of the market open to its products. Some hints on the considerations which should come into play in the erection of any new observatory may not be out of place, as pointing out the remedy for the evils we have described.

Heretofore, the practice has usually been first to decide upon the observatory, and to plan the building; next, to provide instruments; and lastly to select an astronomer, and, with his advice, to decide what direction the activities of the establishment should take. This order of proceeding should be reversed. The first thing to be done is to decide what the observatory shall be built to do. The future astronomer would, of course, have a controlling voice in this decision, and should, therefore, be selected in advance. One thing which it is especially important to decide is to which of the two great divisions of astronomical research attention shall principally be directed. If the prosecution of geometrical astronomy is kept in view, the conditions of advance in that department of the science must be kept in mind. The public is too apt to associate astronomy with looking through a telescope. That some of the greatest astronomers of modern times, such as Kepler, Newton, Hansen, Laplace, and Leverrier, scarcely ever looked through a telescope as astronomers, is not generally understood. For two thousand years, astronomy has furnished the great geometers of the world with many of their profoundest problems, and thus has advanced hand in hand with mathematics. It borrows its fundamental data from observation, but the elaboration and development of its results taxes the powers of the mathematical investigator. The work of making the necessary observations is so much easier than that of developing the mathematical theories to which they give rise, that the latter is comparatively neglected alongside the former. It is lamentable to see what a collection of unused observations are found in the pages of scientific periodicals, to say nothing of those which have remained unpublished in the records of observ-

atories. Under these circumstances, it is not worth while to found any more observatories for the prosecution of geometrical astronomy, except under special conditions. Among these conditions we may enumerate the following:

First. The institution should have such an endowment as to secure the continuous services of two or three observers, and to publish at least the results of their observations in a condensed form.

Second. The instrument should be of the finest class, but not necessarily of large size. This is not a difficult condition to fulfill, since such instruments are not very costly. One reason for observing it is that it is only within the last few years that the highest perfection has been attained in the construction of instruments of measurement.

If these two conditions can be really fulfilled, it is very desirable to add a few more to the great number of meridian circles now in existence, for the simple reason that it is easy to exceed them in perfection. It is, however, to be remarked that a good climate is a scientific prerequisite for the success of an observatory of any kind. The value of observations is decidedly lessened by the breaks in their continuity due to the intervention of clouds. It is therefore extremely desirable that, so far as possible, new observatories should hereafter be erected under sunny skies.

If an observatory is to be devoted to physical research, a more modest outfit, both in the way of endowment and of instrumental means, may be sufficient to serve an excellent purpose. Instead of being a great coöperative work, requiring the continuous labor of several persons, physical research may be divided up into sections almost as small as we please, each of which may be worked by an individual astronomer with any instrument suited to the purpose in view. To the success of such an observatory, a clear sky is even more necessary than to one engaged in measurement. Whether a great telescope will be necessary, will depend principally upon what is to be done. The consideration which is really of the first importance is the astronomer. The man who is really wanted will do more with the most inexpensive instruments than another one with the most costly ones. As already remarked, physical research is mainly the work of the individual, and what we want is to secure the services of the ablest man and then supply him with such means of research as

are necessary to the problems he has in view. New questions are arising so frequently, and the field of physical research is now so wide, that it is impossible to lay down any general rules for a physical observatory, except that means should be furnished for supplying the investigator with any instrument he may want.

A third class of observatories are those intended for instruction in astronomy. The requirements in this direction are so different from those necessary to research that it is impossible to combine the highest efficiency in both directions with the use of the same instruments. The number of observatories especially designed for pure instruction are very few in number. The instruments necessary for the purpose are of the simplest kind; indeed, so far as mere training is concerned, the engineer's level, transit, and theodolite can be made to serve most of the purposes of the astronomical student. What the latter really wants is that training of the eye and the mind which will enable him to understand the theories of instruments, the methods of eliminating the errors to which they are subject, and the mathematical principles involved in their application. In this, as in nearly every department of professional education, we may lay it down as a rule that the wants of a liberal and of a professional education are, so far as the foundation is concerned, identical. We are too prone to lead the student into the minute details of a subject without that previous training in first broad principles which, though it may not immediately tell on his progress as a student, will be felt throughout his life to whatever field of work he may devote himself. Such a transit instrument as Hipparchus might have made,—a wooden level mounted on an axis and supplied with slits to serve the purpose of sights,—properly mounted in the meridian, could well be made to take the place of the transit instrument for purposes of instruction. Scarcely any higher skill than that of a cabinet-maker would be required in its construction. The object at which the student should then aim would be, with the aid of this instrument, to determine the error of his clock or watch within a few seconds. If he is really acquainted with the principles of the subject, and has his eyes properly trained, he will have no difficulty in soon learning to do this.

SIMON NEWCOMB.

THE PUBLIC LANDS OF THE UNITED STATES.

THE public domain of the United States, acquired by cession from the several States and by treaty from France, Spain, and Mexico, Texas and Russia, amounts to 2,894,235.91 square miles, or about 1,852,310,000 acres, and its cost was, in round numbers, $322,000,000, of which sum the Government has received back about $200,000,000 for lands sold. Down to July, 1880, the Government of the United States had disposed, by sale, of about 170,000,000 acres; by act of donation, 3,000,000 acres; in bounties for military and naval service, 61,000,000 acres; for internal improvements, 7,000,000 acres; by grants of saline lands to States, 560,000 acres; for town sites and county seats, 150,000; by patent to railway companies, 45,000,000; canal grants, 4,000,000; for military roads, 1,300,000; by sale of mineral lands (since 1866), 148,000; homesteads, 55,000,000; scrip, 2,900,000; coal lands, 10,750; stone and timber lands (act of 1878), 21,000; swamp and overflowed lands given to States, 69,000,000; for educational purposes, 78,000,000; under Timber-culture Act, 9,350,000; Graduation Act of 1854, 25,000,000.

Mineral and timber lands are now our most valuable assets. The pasturage lands are of nominal value apart from the mineral underlying them. Our remaining public lands, exclusive of Alaska, were, in June, 1880, estimated as follows: Timber lands, 85,000,000 acres; coal lands, defined, 5,530,000; precious metal bearing lands, 64,000,000 acres, but this area will be increased as the pasturage and timber lands are explored; lands in Southern States, agricultural, timber, and mineral, 25,000,000; lands irrigable from streams, 30,000,000; pasturage, desert, including certain lands in Indian reservations, and barrens, 565,000,000. The above is exclusive of Alaska.

The survey and disposition of the public domain received earnest attention from the foremost minds of the young republic — from Thomas Jefferson, Nathan Dane, James Madi-

son, Alexander Hamilton, and other eminent statesmen of their day. Sales of lands were first made in blocks of townships and of eight sections, but soon in tracts of six hundred and forty and one hundred and sixty acres, and later of one hundred and twenty, eighty, and forty acres. The Preëmption Act of 1841 was a progressive step, giving a preference to actual settlers, also permitting them to pay for their lands with cash or warrants. But the most important of all our land laws was the Homestead Act of 1862. Down to June 30, 1880, there were 469,782 entries made under this act, embracing 55,667,049 acres, and patents were issued in 162,237 cases, for 19,265,337 acres. The operation of the Homestead Act produces no revenue to the Government, the fees and commissions being but little, if at all, in excess of the cost of survey and disposition; but the nation receives a compensation of more value than money in having our more remote possessions settled by an industrious population, forming the nuclei of prosperous commonwealths.

The "Swamp-Land Grants" and the "Graduation Act" of 1854 are the most indefensible of all the acts of Congress touching the national domain. The canal grants, beginning in 1824, under Mr. Monroe, were of vast benefit. The railroad grants, beginning in 1850 and ending in 1874, are now frequently condemned by individuals as unwise and impolitic. Under these grants about sixteen thousand miles of railway have been constructed, and the locomotive engine has penetrated into regions almost uninhabited, but which were soon occupied by a thrifty population. The extremes of the nation have been bound together, and the assimilation of its different constituent parts greatly forwarded. Still, it would have been better for the railroad companies if money subsidies alone had been given to them, for money is perishable. Their lands are a constant temptation to the demagogue to ply his art and to inflame the passions of the multitude. An acre of land in the Middle States means almost a sustenance for one person; in the Mississippi valley it means fifty bushels of corn; but on the plains among the railway lands it generally means a crop of sage-brush, with a colony of prairie-dogs. It was a prudent statesmanship that made these grants, and they have been productive of immense benefit to the nation.

The worst monopolists of our public lands are those individuals who take possession of them fraudulently by an evasion or a

stretching of the law. The danger of capitalists and speculators "grabbing" public lands has been made a bugbear by these individual monopolists. Whenever capitalists have desired public lands, they have always got them. The needs and requirements of capitalists in mining, timber, and agricultural lands will fix the limit of their purchases. It is a lamentable fact, but not to be denied, that hitherto all restrictions upon bargain and sale have resulted in failure; no matter by whom they are held, the public lands will be used for the purposes they are best adapted to, and the people who occupy them will ever be a law unto themselves as to acquirement and disposition of them. But taxation, exercised by legislatures elected by manhood suffrage, may be trusted to break up great estates.

The land bounties for military and naval service, in nine cases out of ten, benefited persons other than those intended by the law. The grants for education have in many instances been frittered away by the beneficiaries, and the result has been anything but satisfactory. The present advocates of a national system of education, to be supported by the net revenue from the sales of the public lands, are probably unaware how inconsiderable that net revenue is—for the past two years not more than seven cents per acre over and above the expenses. These funds have come principally from sales of agricultural lands; but now that that class of lands is practically exhausted in the West, net revenue will probably cease after 1882.

The land legislation of the past has been largely molded by political considerations. Most of the lands purchased prior to 1867 were acquired by the Democratic party, but they all lay, or were supposed to lie, within the slavery belt. The Whigs and the Republicans enacted the Preëmption Act of 1841, and the Homestead Act of 1862, and opened the land to actual settlement. Texas, acquired at the cost of blood and treasure by the whole nation, was admitted into the Union without being required to surrender her unoccupied lands to the general Government, to be added to the public domain. The aim was to prevent immigration. Later, the State sold to the nation a vast area of sand-hills and deserts for more than twenty-four cents per acre.

Since 1848, the public lands (mineral) have yielded $1,420,041,532 in gold, and $460,422,260 in silver, and the Government has received from mineral lands $486,585, as against expenditures of twice that sum for the protection of the lands or their occupants.

Timber, and saline, mineral, and coal lands are subject to special laws, under which purchasers are not required to be actual settlers. All other lands can be entered under the Preëmption, Desert, Timber-culture, or Homestead acts. In theory, the unit of holdings, or maximum of allowance, is 160 acres for each settler; but such has been the liberality of the nation, and such is the diversity of our land laws, that one settler can take from the public domain 1120 acres, viz.: under the Homestead Act, 130 acres; under the Preëmption Act, the same; under the Desert Land Act, 640 acres; under the Timber-culture Act, 160 acres.

First settlers usually regard the whole country round about them as their own by right of occupation. Consent fixes the boundaries of ranches and herd grounds. The influx of immigrants necessitates surveys, fences, and the curtailment of holdings.

For the proper disposal of the several classes of lands comprised in the national domain, the present laws are quite inadequate. The Mineral Land laws are not sufficiently definite. The Timber and Stone Land acts are mere make-shifts, and of no service to the settler. The Desert Land Act is inoperative because the limited area conceded by it cannot be reclaimed profitably. The Timber-culture Act, conceived in a wise and beneficent spirit, has so far served chiefly as a means of obtaining lands in excess of the legal settlement allowance.

The present system of a commissionership of the General Land-office in the Department of the Interior should be continued. The Commissioner should be more than a mere clerk; should be given more executive authority, and a fair compensation. The clerical force of the Bureau should be increased, with better pay, to the end that the arrears of work, in some instances twenty-five years behind, may be brought up. A proper suite of offices should be provided for the Bureau, where the records will be safe from fire. The fees of Registers and Receivers should be abolished, and their salaries fixed. The present multiplicity of forms, useless and vexatious to applicants, should be abolished. It is necessary that there should be in the Department of the Interior an attorney, learned in land law, with a salary of say $10,000 per year. He should have sufficient sympathy with the hardships of Western life to be equitable to settlers and occupants. Millions of dollars are involved in the land cases decided by the

Commissioner and Secretary. Certainty is required. The overgrown Department of the Interior, with its six Bureaus, requires that the Secretary shall have competent and efficient specialists, on whose judgment and knowledge he can rely.

The present system of survey and parceling of lands for sale and disposition, known as the "rectangular," should be continued, with slight modification. The Deputy Surveyors—in the field at the time of survey—classify the lands as mineral, agricultural, timber, etc. This is subject to correction, by proof, in the district land-offices. The markings upon the ground should be made more permanent, by the use of monuments of iron or stone, and satisfactory evidence should be returned with the surveys, that they have been made as alleged. Mineral surveys are made under special provision, sometimes conforming to the lines of the rectangular system. The loaning of money by individuals to the United States for surveys, as provided for by sections 2401 and 2403, Revised Statutes, should be carefully considered. This private survey system is, in fact, an appropriation of money for surveys about which Congress seems to know nothing. The opportunity for surveying sand-banks and deserts, under this provision, is ample.

The present laws for disposition and sale should not be continued. The repeal of bad and useless laws, and the preparation of a digest of department and court rulings and decisions, should command the earnest attention of Congress.

Much the largest portion of the remaining public domain is, at present, a common,—herders, wood-cutters, lumbermen, and prospectors roam over it at will, most of them unable to acquire title under present laws to what they require for their actual wants, and the public benefit. They are trespassers, invited to become such by the laws. The object of the nation should be to fill the public lands with actual settlers or occupants, and to this end the acquisition of title should be made as easy as possible. Onerous restrictive clauses, and numerous forms thereunder, for entry of lands, are indirect bids for perjury. Hard swearing sometimes evades exacting conditions.

The unit of holding by entry should be made 160 acres, in fact. It is now 1120 acres. The Act of Congress, of June 22d, becoming a law, by non-approval by President Grant, July 4th, 1876,—throwing open the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida to private entry,

at $1.25 per acre in unlimited quantities, thus reversing the policy of holding the public lands for actual settlers,—should be at once repealed. These lands are about all the agricultural lands the nation has left. It is estimated that in area they are more than 25,000,000 of acres. The Homestead Act alone should apply to these lands.

A full and accurate examination of the resources of Alaska should be at once made, not more for scientific than economic purposes.

The present precious metal mining laws should be amended. The Government can aid by wise laws in the production of the precious metals, and do much toward making it as safe and legitimate as any other business. Generally the mining suits arise from disputes as to time or date of location; the record of initiation of title, by location, of mining claims should be filed with the United States land-officers. The size, selection, or location, and condition of occupancy of claims up to the time that title is passed by patent, should lie exclusively in the owner, *i. e.*, the Government. In all other classes of lands this is exacted. Ruinous litigation, accompanied by fraud, murder, and robbery, in many cases, would be avoided. Heretofore, much of the most lucrative mining has been done by attorneys from the stockholders' pockets; shot-guns and breech-loaders are now common aids to enforce rights. One general and specific law, superseding the varied laws of the several States and Territories, should be passed. Free prospecting and exploration should always be the rule, and the prospector should be protected.

The Preëmption Act, now virtually embodied in the eighth section of the Homestead law, should be repealed. It does not operate uniformly, as it does not apply to lands in the Southern States.

The Homestead acts should be consolidated. Enact a law with the unit of 160 acres for holdings, which shall apply to all public lands not mineral or timber. A homestead entry should not be considered as consummated until the patent issues, and the objectionable and useless law requiring settlers to advertise their intention to pay for their lands should be abolished. It is robbery of the settlers, and induces, rather than prevents, fraud.

The enactment of a colony homestead law is urgently needed, permitting colonists to live in a village in the center of the tract, such residence to be considered actual residence on the lands

which they cultivate. This should apply to all lands, not timber or mineral. Isolation, deprivation of social life, lack of neighbors and friends, have heretofore made many Americans reluctant to move upon the distant Western lands. For ten years past, Europe has furnished much the largest number of settlers, whilst our people continued to congregate in the cities. A wise colony-law will enable many of our citizens to obtain homes, and become producers.

The pasturage or grazing lands, usually destitute of water,—an enormous area lying in Oregon, Washington, Nevada, Idaho, Montana, Wyoming, Utah, New Mexico, Colorado, Arizona, and Dakota, Indian Territory and Land Strip,—claim especial attention. At present there is no law for their sale or disposition. Vast herds of sheep and cattle, and bands of horses, worth millions of dollars, roam over these barrens fit only for grazing. Cattle in the "rough" are produced here, and driven to Kansas, Nebraska, or Iowa, where they are fattened upon the otherwise almost useless corn. Two-thirds of these lands are desert wastes, with here and there a stream or spring. The water commands the land. The owner of the water-holes — usually entered under the Homestead or Preëmption acts—is supreme. A fraction of these lands can be reclaimed by irrigation from streams. At present, cattle-ranges are held by consent, and herds are protected by brands and marks. It is in testimony that the grasses upon these lands are fast dying out, largely because of over-pasturing and neglect. In Utah, it is said that, in places, one thousand acres of these lands will not furnish more than subsistence for one ox, and the average in the most favored localities is from five to ten acres to a head of cattle. This cattle and sheep industry is entitled to protection, and some measure should be adopted whereby herd-owners can obtain protection, if not a title to their ranges. Definite ranges, with ownership, are requisite for the increase and growth of this valuable industry. Leasing these lands is open to the objection that our people and institutions are opposed to such tenancy; besides, an army of officers would be required to collect rents, which, in all probability,—as was the case in the lease of the mineral lands by the War Department prior to 1849,—would absorb the income. Underlying some of these lands are enormous beds of coal. Such lands should be segregated and reserved. In the judgment of experts, pasturage

lands generally are not worth more than ten cents per acre, and that would seem to be an exorbitant price for some of them.

The Timber-culture Act should be repealed. The object is a good one, but in practice it is shrouded in mystery. At the expiration of eight years, the Government hears from a person who has filed. He may have done something, or may have done nothing. Nine millions of acres of agricultural lands have been located under it; an additional quantity of land for timber-culture could be added to the present homestead, or the period of settlement shortened, in like entries, in consideration of planting or growing a specified number of trees. The timber lands, usually containing mineral, and unfit for cultivation when cleared,—except a portion in Minnesota, Wisconsin, and Michigan,—should receive attention. They are now in charge of the General Land-office, aided by a corps of efficient local timber agents, who collect stumpage, and report waste and trespass. These agents have collected large revenues for the Government. The timber should be sold in alternate sections, the fee to remain in the Government. Nature would replace much of the cut forest, and the sections from which the timber had been removed would be spaces preventing the spread of fire. Millions of acres of the best timber-lands have passed, and are now passing, into private ownership through perjury under the Preëmption Act, and millions of acres have been stripped of their trees under the filing of a mere declaratory statement, and then abandoned.

The timber on the public domain is absolutely necessary for the development of the country. Mining would be impossible without it, and settlement, as well. The present laws for sale or protection are insufficient. Private ownership will best protect the timber. The amount of speculative theory on this question is simply overwhelming. The fact is patent that the timber on the public lands is being destroyed and wasted by fires caused by lightning, friction, by campers, and by trespassers; and the further fact is before us that a large and growing population living near it requires the timber for domestic and commercial uses. If they cannot get it legally, they will get it illegally. They must have it, and existing laws furnish but little real relief.

The acreage price of the coal lands, now fixed at ten to twenty dollars per acre, is exorbitant. The Bonanza mines, ten acres of which yielded one hundred and eleven million dollars,

were sold for five dollars per acre. The risk and dangers of extraction of the precious and economical minerals, and their use by the people, should almost compensate for the land. The acreage of mineral lands is the pay for their survey, parceling, and disposition.

For the irrigable lands, a reclamation law, or the extension of the allowance under the existing Desert Land Act, should be provided. It should give persons or corporations, under proper regulations, as much land, at $1.25 per acre, as they can reclaim by the introduction of water from streams, or by boring artesian wells. Reclamation of swamp and overflowed lands has been considered wise, and, for the mere reclamation, such lands have been given away to the amount of more than 69,000,000 acres, now the best lands for agriculture in several of the States where they are situated. Surely lack of water, and unfitness for agricultural purposes, should not make lands more valuable than lands valueless by reason of excess of water! Besides, the purchaser pays for desert lands, at $1.25 per acre, while the swamp lands were given away as a premium for reclamation. In private hands these lands may be reclaimed. The nation will not, probably, for some time to come, attempt an expensive and doubtful system of irrigation, either by control of streams by ditches, or by artesian wells. All this will be best done if left to her citizens. Still, experimental borings might be of service, and assist in the determination of the value of the pasturage and irrigable lands. The remaining unconfirmed private land-claims, under grants from former sovereign owners of the soil, Spain, France, and Mexico, should be at once acted upon. In New Mexico and other sections formerly governed by Spain and Mexico, it will require careful judicial scrutiny to determine the validity of the unconfirmed grants. The present facilities are such, owing to the negligence of the United States in not passing a statute of limitation as to the time of filing these claims for grants, that paper titles for alleged grants can be rapidly turned out to order. Millions of acres are herein involved.

Scrip, in settlement of equitable or other land claims, should not be issued. Money compensation would be for the interest of the Government.

All patents issued for agricultural lands should be free from restrictions, and should convey, as they do not now in many cases, the absolute fee. If mineral is found after the issue of a

patent, it should go to the owner of the land; commerce and trade get the metal, no matter who takes it out. When a title is once passed, it should end all controversy. The theory of our Government title is that the lands pass in fee. This should be made so in fact.

The present seems a propitious time to correct and settle the policy for the disposition of the remaining public domain. It has been explored, and its character established. A Government commission has reported to Congress a mass of valuable testimony, and made recommendations in relation to it. The existing settlement laws are mainly for a condition of affairs that is past. Purely agricultural public lands, for which much of the present system was enacted, except in the five Southern States, have practically ceased to be. New laws, now absolutely requisite, should be not alone for the interest of the nation, and the people upon the lands, but for the benefit of those who desire to settle thereon.

Warning and prophetic voices are heard, "Hold these lands for the generations to come." Does this mean that they are to come from Europe? The public lands are now the heritage of Europe and the United States, with a preference in favor of the former. A European, male or female, head of a family or single, above the age of twenty-one years,—by the mere act, immediately upon landing, of declaring his intention of becoming a citizen,—can at once enter upon and hold public lands; and those who are citizens, and were born and have lived in the United States twenty-one years, have no prior right. May not the time be near at hand when the question of uncontrolled immigration will be a vital issue of state-craft?

The true rule, in legislating upon and for the public lands, is, that caring for the present cares for the future. Publicists who follow will be as competent to meet all land questions as are the statesmen of to-day.

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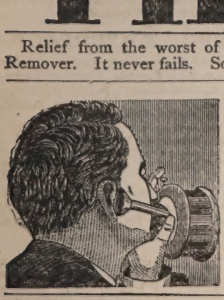

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NORTH AMERICAN REVIEW.

No. CCXCVIII.

SEPTEMBER, 1881.

THE CHURCH, THE STATE, AND THE SCHOOL.

HEGEL has defined education as the process through which the individual man becomes ethical. In his opinion, the ethical expresses the true general nature of man—the forms in which he can live in society and become civilized. Each individual man is born without ethical principles or habits; he must acquire them, or else he cannot participate in the blessings of civilized life.

If we look at man as a being who begins life a mere animal, and at the same time has before him for the problem of his life —the vocation of his being—to realize within himself an ideal of developed manhood, we shall regard him as distinctively an educative being—a being whose special characteristic is his destiny for education.

Civilization itself ought to be defined as the realization of those ideal forms of human nature which education seeks to bring the individual into—it is a realization of ideal human nature in *institutions*.

To make man ethical means, then, to fit him to live in the institutions of civilization—to coöperate with them, and to participate in their fruits.

It is well to see what provision human life has developed for the purposes of realizing the spiritual or rational nature that is implicit or potential in the race of man.

There are four chief institutions in civilized life: Family, Civil Society, the State, the Church. Civil society is distinguished from the state through this: while it is a social combination like the state, it does not exercise directive power upon the individual, and assume the functions of a will power like him. But the state always assumes the control of the individual for the benefit of the social unit. Against this social unit he has no substantial existence. In civil society, on the other hand, an organization is formed which seems to be for the individual, and not for itself, like the state. The most important phase of civil society is its organization of the industry of man in the form of division of labor. This produces the caste system as its counterpart, but it depends on the state for its enforcement. Civil society seems to be an organization of a social unit for the use of the individual, while the state is a social unit in which the individual exists, not for himself, but for the use of that unit, the state. In civil society, the whole exists for each; in the state, each exists for the whole.

Of course we do not forget that the welfare of the individual man is, after all, the end of institutions. It is only possible, however, that this welfare may be attained through an institution like the state, which makes the welfare of the social unit supreme, and sacrifices the individual whenever the safety of the state demands it.

Between the institutions of the family and civil society there develops a fifth institution, partaking somewhat of the nature of the four institutions named as cardinal, and forming a transition from the family to the other three: this is the school. Wherever civilization develops, there develops the school, as supplementary to the family, and propædeutic to the state, the church, and civil society. The more advanced a civilization, the greater the complexity of its forms and usages—the more extended its fabric of institutions; hence, too, the more important the school, as a special institution devoted wholly to the work of training the immature individual for taking part in those complex forms of life.

The school, however, though its sole function is education, is not by any means the only educative institution. The family, the church, the state, and civil society, each gives a certain kind of education peculiar to itself—such as cannot be given by the school or by any other institution. Indeed, we may go so far

as to say that nothing which the school can give is so valuable or so indispensable as the peculiar education furnished within the province of the family, or civil society, or the state, or the church. Strange as this may seem to those prepossessed of the idea that all education is a monopoly of the school, it is a truth so fundamental that no correct view can be formed in regard to the school without considering it. Without a knowledge of the educative character of the cardinal institutions of civilization, the true place of the school is misapprehended, and its course of study and its disciplines changed so as to trespass on the provinces of those other essential forms of life. The school may be held responsible for giving what the family alone can give; or what the church alone should give; or the state, or civil society. Hence come criticism of the school and attempted modifications of it. These modifications, if achieved, are certain to be replaced in turn by others. For it is impossible for the school alone to give the education which the five institutions should give. There will always be discovered defects in education, and if the function of the school is misunderstood, its defects will seem radical, even when the features condemned are quite commendable in the true view of the case.

It is the object of this paper to attract attention to the proper division of the function of education, considered as pertaining to the whole life of man,—to all of his institutions. In presenting some thoughts on the educative function of the state and the church, it will be necessary, also, to allude to that most important separation that has grown between those institutions, and to point out its rationale.

In the five provinces which include all human education, the first is family nurture. This gives to the child the indispensable training in personal habits, such as cleanliness, care of the person, respect for elders and superiors, obedience to rule, the sense of shame, family piety, and, above all, the use of his mother-tongue. If the family training fails in these essential things, which belong to its province, beyond all question it would be unwise to demand that school education also be remanded to the family, and left entirely to the parent.

The province of the school succeeds that of family nurture, and should be devoted to giving the child knowledge and skill in the technicalities of the world of science, literature, and history, —"the conventionalities of intelligence," as they have been called

by a great thinker,—reading, writing, and arithmetic. For arithmetic is the introduction to all sciences of nature, while reading and writing open for the child the department of literature, which contains the revelation of human nature as it has appeared in human life, and an exposition of the regulative or guiding principles of life, the summation of the wisdom of the race; reading also opens the department of history and science of human institutions, the growth and structure of the family, civil society, the state, and the church. Writing gives the individual power to communicate with his fellows without the great waste of time involved in personal interviews, and thus increases indefinitely his personal force, as well as enables him to preserve his thoughts and experiences, and add them to the human stock of experience which the world possesses. The school education thus gives to the child the power of helping himself to the store of experience collected by his race. He can reënforce his individual might by the might of the race, aiding his own senses by the free use of the senses of all his fellow-men; aiding his feeble thinking-power by studying the thoughts of all the eminent thinkers in all times and in all countries.

After the school, comes the education of one's vocation, trade, or business in life. He learns to labor at some special employment, and add his contribution to the food, clothing, and shelter produced by the aggregate labor of all mankind in all countries—he can do this by the aid of the combination of civil society with its division of labor and its organized industry of agriculture and mining, of manufactures, and of commerce. In this province of education, too, he learns to contribute his mite to the fund of knowledge in the world; by some practical art or profession he collects and communicates to others his experience and the results of his observations and thoughts.

Thus, the province succeeding the school—the trade or vocation—is the complement of the school and the family, in that it educates the individual to contribute the product of his own labor to the store of the world, while, on the other hand, the family nurture and the school had taught him how to avail himself of the store of already produced wealth and wisdom;—in the family, learning how to use food, clothing, and shelter, and in the school, learning how to use the recorded experience and wisdom of mankind.

The fourth province is the education of the state. This is the political education of the man into the citizen. The form of the state impresses itself strongly on the entire character of its citizens. Its laws define the ideal which is to be the mold of character for the development of the people.

The citizen's education involves the learning of the laws and the corresponding duties, positive and negative duties—the duty to abstain from this and to perform that. Obedience to law is the condition by which the individual realizes the ideal type of character which distinguishes one people from the people of another nation. There is a general form of behavior and personal bearing—of business conduct and social conduct—the civil demeanor that marks at once the nation of which the man is a citizen. This type is produced by the laws which furnish the ideal standard of conduct, as well as by the political participation which the citizen is permitted to exercise by the form of his government. For it is a well-understood principle in our American civilization that the participation of the citizen in the making of his own government—in the election of his representatives for making and administering laws—is an education of a very important kind. We recognize that through this, the immigrant, although he has fled from oppression and debasement in a foreign country, and has never developed a high sense of self-respect or of independent self-control, will find the stimulus of the right of suffrage in a representative self-government strong enough to arouse his manhood, and cause him to become self-directive and a better citizen. His self-respect shall lead him to plan out higher careers for his children, and to prepare them for such careers by schools for learning and refined accomplishments.

Even the so-called corruption in our politics is much of it incident on this participation in *all* the rights of citizenship by the immigrant. It is education to him, in the fact that it endows him with great responsibility. But he lowers the standard of the political ideal to some extent, if he happens to have brought with him the results of a condition of poverty and illiteracy under a monarchical government abroad.

Our political party organization does not find him sufficiently strong in self-respect, or appreciative of the dignity of citizenship, to resist pecuniary offers for his vote. Hence the whole tone of our politics is lowered through the fact that unscrupulous men in each party gather support and importance

from corruptible classes of voters, and command their share of party offices in exchange for the contingent of votes they can control. When one party will reward its demagogues by giving them the spoils, the other party thinks that it, too, must do the same, and therefore tolerates or silently encourages the unscrupulous members within its own ranks, and is satisfied if a large vote is gained from the classes of the proletariat that have not as yet learned to prize the right of suffrage for its true functions.

Thus it happens in our land that while our laws realize a higher ideal of humanity than some other countries, and in this respect furnish a higher political education—in another respect, that of the participation of the citizen in self-government through the ballot, our forms tend to demoralize the best and most conscientious citizens, although the proletariat, that has never inherited from its ancestry any scruples, is likely to gain a new sense of duty, a political conscience, through the self-respect that grows with new responsibility.

Here it is that the higher classes suffer with the lower, and *because* the lower *are* lower. If the political education of the lower classes is neglected, we are all obliged to breathe a contaminated atmosphere, and live under a corrupt government. In America, therefore, the point of political interest is the development of constitutional forms, which sift out the selfishness of the individual by forcing all legislation to pass through slow, formal processes, which, from their publicity, attract and receive the attention of all interests, so that the most general interest alone prevails. When no private gain can be secured through statutes, the legislature will afford fewer attractions to the demagogue. These constitutional forms, for the purification of the political education, moreover, reach the relation of the voter to the party politician, and are gradually doing good through such regulations as the registration of voters, the establishment of primary elections by registered ballot, the punishment of bribery, etc.

In most of our legislation and jurisprudence we inherit ready-made forms which have come from older civilizations—the slow growth of the Roman millennium of national history and the equally slow growth of the English millennium. But the forms for the political life of a representative self-government have never been created nor needed before in world-history. What wonder is there at our slow progress in organizing the entirely new conditions required in our political education?

It is a favorite theme with the censors of school education to charge to the school a large share of responsibility in the political corruption which we have experienced. This is unjust. The school cannot reach the adult immigrant nor the adult native that is illiterate. Besides, it has against it the powerful demoralizing influence of the direct education of the state, which endows ignorant and irresponsible people with the right of suffrage, and thereby furnishes a temptation—amounting almost to a necessity of self-preservation—for the political parties to secure the vote of this lowest political stratum by corrupt means. The school does not furnish the corruptible voters; it assists to remedy that side of things; in fact, it teaches those who learn science and wisdom from it, that it is wrong to use corrupt means, even to gain good ends. The unscrupulous demagogues grow up in spite of the school, because of a bad start in life through defective family nurture in homes where want may have dwarfed the growth of self-respect—and because the existence of a class of voters who have citizens' privileges without intelligence or patriotism is a corrupting influence terribly strong for young men of large directive power, when reënforced by the further corrupting influence of the silent encouragement of unscrupulous party deeds on the part of men who stand high in society.

In this view of the fourth form of education, or that of the state, we see its potency for good or for evil. There is another phase of education of the state which is of paramount importance—that in the army. In most countries every young man must serve his term at this species of training,—three, five, or even fifteen years.

In Europe, it is inevitable that a great percentage of the population, consisting of the most finely developed men, shall be in the army. Even our own country has lately seen a period in which actual service in the field was educating five per cent. of all our population. The education of war is of a terrible sort, so far as its reaction on all other education is concerned. That of a standing army in time of peace is not a desirable form of education.

The education of war undermines the education received from the nurture at home; the education of the school, both in learning and refinement, through disuse of accomplishments. To the education of civil society in useful industry, it is most of all hostile.

One may lament, but he must not question, the dire necessity of war and of standing armies. But it is useless to expect any high degree of perfection in the education of a people while wars are frequent and armies necessary.

The fifth form of education is that of the church, into the mysteries of the origin and destiny of man and of his relation to God. It is no finite or temporary ideal of man that is furnished by religion, nor is it an ideal of character that should have national boundaries. It relates to the essential nature of man *as* man, and concerns life here and hereafter. As religion has furnished the ultimate ground of all obligation, and founded morals (or the code of ideal conduct between man and man),—in short, all education of the will,—so, too, it has instituted and preserved *intellectual* education; in all early civilizations the priestly caste alone has access to knowledge.

With the development of civilization, one institution after another borrows from religion the form of its divine principle, and is allowed to organize itself independently when this is accomplished.

First, there is the emancipation of the state from the church; then the emancipation of civil society and the family; with them the school is emancipated. But emancipation here does not mean the casting off of religion. On the contrary, there is no freedom or independence in these institutions unless they borrow a divine principle revealed in religion for their organic form. The state borrows the principle of justice, and devotes itself to the work of securing to each man the fruit of his deeds. If he does good deeds—such deeds as coöperate with his fellow-men, and reënforce the might of the social whole—his deeds shall be lawful and shall be protected against molestation. If his deeds are directed against his fellow-men, and to the injury of society, then his deeds shall be made to revert to him. His deeds shall be made to return upon the doer and limit his freedom—injure himself, when he had thought to injure his fellows and derive selfish profit for himself.

This principle of justice is a principle of universality, under which the state subsumes the individual. It is a divine principle—the principle of freedom. For freedom is self-determination, the principle of responsibility—to the doer belong his deeds. If the deeds are evil, and hurt the individual when the state returns them to him, that is his fault. But the state can-

not respect his freedom and responsibility in any other way than by securing to each the fruition of his deed. Hence the criminal *owns*, has a right to, his punishment.

When the state is organized on justice, this principle of freedom, it has adopted from religion one of the divine attributes, and not only may but *must* be separated from the church as an institution. It will nevertheless be in a deep fundamental harmony with the church.

The state form that preceded the modern one of independent political power was one in which the subject was treated as a minor—as an immature human being—a child or youth who should never attain his majority. Constitutional rights could not be given him, for he could not use them.

It was a great blessing that such despotic forms of government could be mediated by the interference of the church. They were intolerable when the church was excluded, or when it excluded itself, as in case of excommunication. The church corrected the one-sidedness of the administration of justice, and interposed mercy at the right time and place to protect the individual from feuds and blood revenge which assumed the form of justice.

From the freedom of the state proceeds gradually the freedom of all other institutions, because the state is the supreme secular institution. Secularity does not achieve this freedom, nor does it deserve it, until it adopts from religion a divine attribute. Independence is not to be founded upon opposition or antithesis; matter *excludes*—no two *bodies* can occupy the same place; but the principle of all spiritual things is that they are increased by being shared. Science, truth, is better known by each the more it is elaborated by different minds; love and all positive affections are fed by reciprocation; deeds of the will have to conform to a universal standard, which we call *Right*, or else they mutually contradict and reduce to a zero.

The divine has this form of self-relation. All that would be independent must assume that form, and it will borrow it from religion, which reveals it. Through the emancipation of the state by its attainment of spiritual majority, having served its long tutelage of centuries under the church, all other institutions became free realizations of some divine form. The state continually imparts its principle to its subordinate elements, giving more and more local self-government as the capacity for it devel-

ops. Borrowing the principle of divine charity, how many institutions have arisen to bless mankind! All the institutions that have arisen from the family have borrowed this principle. Then there are most numerous institutions that have united the principle of charity or philanthropy with that of justice, and have organized human associations. The whole of civil society is organized with its division of labor on this basis. In its form of industry it has that of love or charity, each man working to produce something useful, not for himself, but for the rest of society. It shall go to the market of the world and be distributed to his fellow-men. And he, the individual man, shall supply his wants of food, clothing, and shelter from the same market of the world, receiving the contributions of his fellow-men. Thus far, only the form of love or charity appears. If this were all, we should have communism; all would work for the common store and would receive from the common store. But here enters the principle of justice, the principle of the state, to make the organization perfect. The middle term of this collection and distribution in the division of labor is money. Money makes possible the measuring of labor—it quantifies it and furnishes a standard unit. The principle of justice is a principle of measure and equivalence. The principle of love and charity is not one of measure, but of infinitude. And yet, without the principle of measure in the division of labor,—without money, that is,—there would be no possibility of individual responsibility, and no freedom or growth of rationality in civil society. The industrious would share the productions of his labor with the indolent, and the effect would be to undermine all industry. Within the family, separate responsibility has not fully developed, and hence there is community of goods under the despotic principle of patriarchal rule. For civil society, and all institutions outside the family, the principle of love must be mediated through that of justice—there must be *measure*. Political economists tell us that a species of property which is a product of human industry, and is possessed in the highest degree of the paradoxical combination of the qualities of permanency and mobility, is chosen for money. Permanency includes indestructibility by the elements of air, fire, and water, or by attrition of usage, as well as unvarying supply. Mobility includes scarcity (so as to secure small bulk), divisibility and recombination without destruction of value, so as to serve for measure. In every exchange through money there is a two-

fold measure of the labor of men, and an equation found through this measure.

This illustration will suggest to what extent divine principles revealed in religion have penetrated all institutions of civilization, and still form their life and substance, although they have become independent of the church.

It must be contended that the church remains the most powerful instrumentality of education in the world.

Although it has graduated, so to speak, a large family of secular children, and furnished them spiritual capital for their needs, it still forms the educative institution *par excellence.* The school, which but a short time ago was entirely a bantling of the church, and has only partially followed the political example and assumed independence, is very small, compared with the extent of the church. Perhaps the amount of property invested in school-buildings, secular and parochial of all kinds, amounts to about one-fifteenth as much as the property invested in church-buildings. Religion demands the exclusive devotion of one day in seven, as well as a varying proportion of each day, to religious ceremonies, and it demands this of all. The church demands the recognition of its doctrines by all the other institutions, and it is only by this concession, tacitly or explicitly, that they have become emancipated from the temporal control of the church. It still claims almost immediate supervision over the family.

It receives the individual upon his advent here, and watches and directs him during his life, and dismisses him at death with appropriate ceremony. It appeals to all men in the strongest possible language, holding up before them the ideal of eternal life, and pointing out the roads to happiness and misery.

In these five provinces of education, we see that the school forms not the most important member. In fact, as we look upon each of the others, we are inclined to call them, in turn, each the more important.

He who claims for the school all education, or holds it responsible for all education, is outside all rational points of view on this question, and cannot understand at all what the school is or should be.

The school, as already intimated, must initiate the child into the sciences of nature that play so great a part in emancipating the human race physically and politically in our time. This is done by mathematics, physics, and natural history. The course

of study accordingly begins mathematics by arithmetic, and it begins natural history by geography; physics, being the application of mathematics, comes later than natural history, and gives the science of masses and molecules. On the other hand, the sciences of man are introduced through the study of language, the means of intercommunication; these teach him how to combine with his fellow-men. They begin with such studies as grammar, history, and the literature of the school-readers, which offer selections of poetry, essays, orations, romances, and scientific treatises for the mastery of the child. The completion even of the elementary school course finds the child prepared with the instrumentalities most important for pursuing the search for knowledge of man and nature. When he completes his school course in the college, he has acquired actual skill in his work.

Whatever progress elementary schools may make, they will always have substantially the same course of study, because these cardinal branches—"the three R's," as they are called, are the keys to all that comes after them, and because the preparation in grammar, history, and literature, and natural sciences is necessary to reveal to the child the outlines of the world of man and the world of nature, which will be his objects of study and elaboration in all his subsequent life.

Nor is the school likely to receive essential modifications in its methods of moral instruction.

To the one who is familiar with the methods of schools, it is not surprising to find that the school has a favorable effect on the morals of the pupil. In the well-disciplined school, the pupil is first taught to be regular and punctual; to be cleanly in person; polite to his fellows; obedient to his teachers; he is taught to be silent and industrious, attentive and critical in his mental habits. To sum up all these in one word, he is taught to subordinate his capricious will and inclinations to the reasonable conditions under which he may combine with his fellow-men, and share in their labors and in the fruits of their labors. The great advantage of school instruction in morality lies in the fact that the pupil is made to do and practice these fundamental moral acts of self-control, and is not merely made to hear lectures on the subject, and exhortations without accompanying discipline in moral habits.

In the school, moral habits must be practiced, or the instruction cannot go on. What wonder, then, that those who have

attended school, even for the short period required to learn to read and write, are found to be seven times less likely to reach the jail or prison than those who are entirely illiterate.*

But it is not the education of the school alone, nor of the church nor of the family alone, that can produce the happy results required. Each has its special province—all are necessary to the result.

WILLIAM T. HARRIS.

* See, in the report of the United States Commissioner of Education for 1872, the essay by Edward D. Mansfield, LL. D. It is there shown in detail that the illiterate portion of the population in each State and nation produces from four to fifteen times as many convicted criminals as an equal number of the population that can read and write. The aggregate of statistics collected for the United States showed (in the seventeen States included):

Prisoners	110,538
Neither read nor write	21,650
Barely read, but not write	5,931
Total illiterate	27,581 = 25 per cent.

The average of illiterates in the total population of the seventeen States was three and one-half per cent., thus the percentage of criminal illiterates was seven times as large as that of the educated. Statistics are found to be similarly favorable to education by the family and civil society, and the church. The percentage of criminals from the orphan class of the population (destitute of family education), and from the class that had never learned a trade or business (devoid of the education of civil society), has been proved to be quite as large as that from the illiterates.

NATURAL ETHICS.

SOME years ago, when Illinois was the extreme frontier of the far West, a colporteur was making his lonely rounds over the prairies, bringing to the scattered inhabitants what many of them had left behind in their old homes—a material basis for their religion in the form of Bibles and tracts. Coming one day to the open door of a somewhat desolate-looking cabin, he was met by the sun-browned and masculine-appearing matron, who looked as though she might be more at home in the field than in the library. After the usual salutations and inquiries as to the prospects of the harvest, he ventured to allude to his mission, and asked her if she had a Bible. She bridled up a little, assumed an air of virtuous indignation, and said:

"What do you take us for, anyhow? Do you think we're heathen, just because we live out on the frontier? Of course we've got a Bible."

Not easily abashed, however, he still pressed his inquiry, and added:

"Will you be kind enough to get it for me, and let me see it?"

This was pushing matters to a dangerous extreme. And, as she recalled the fact that she herself had not seen it for many months, her heart misgave her a little. But away she went on her doubtful voyage of discovery. At length, after a somewhat protracted search, in which all likely and unlikely places had been tried, she re-appeared, with a dejected and humiliated air, holding in her hand one cover and a few fragments of leaves. She held these up, and in answer to his look of amused interrogation, timidly replied:

"I declare, mister, I didn't know we were so near out!"

This instructive fable serves admirably to illustrate the apparent condition of large sections of the educated public of both

Europe and America at the present time. Things have been drifting along placidly, while the age has been busy about its ordinary affairs. But science and philosophy have called at the door, and insisted on asking some very plain and direct questions on the subjects of religion and morals. At first there is virtuous indignation. Then, from this quarter and that, comes the dejected confession that they "didn't know they were so near out." One day we are startled by the declaration—on the best authority—that we are on the eve of a moral interregnum. Then a great convention of doctors of divinity assembles in our metropolitan city to inform the country that, after eighteen hundred years of Christian "salvation," the world has become so bad that its affairs are to be ended, and that the larger part of its assets are to pass into the hands of a non-celestial receiver. Next, because "the world is growing superior to religion, and less sensitive to its mandates," a leading preacher and theologian appears in the "modern Athens," to prove that Christianity is divine since, at any rate, the world is not so bad as it used to be. Above all these cries of distress rise other noteworthy voices, loud and clear enough to be heard over the whole land; and the owners of these voices are so decidedly "out" of both religion and morals that they advertise for a brand-new article of each kind.

The situation is curious, and, but for the gravity of the questions involved, could hardly fail to raise a smile. On the one hand, those who claim to have the ownership and exclusive management of the only religion and morality that are worth anything, confess their fear and practical conviction that only a small minority of the world will have anything to do with them. While, on the other hand, a body of social "reds," who make up in noise what they lack in numbers, are shouting their joy over the prospect that gods, priests, and morals are on the brink of one common ruin. Between these two is a large mass of sensible men and women who, for the time, are bewildered. They feel sure that the gods—if there are gods—will be able to look out for themselves; but, meantime, they are really troubled to know if the principles of human action are stable, and if they can be found out and settled clearly enough to form a practical guide for personal and social conduct.

It is undoubtedly true that the philosophy, the science, and the general culture of the age has turned its back on Rome; and

yet Mr. Mallock—who, on good authority, is reported to be both a devout believer in Rome and also an undevout believer in nothing—joins the Pope in affirming that the papacy is the only basis of morals. In the "Nineteenth Century" for October, 1878, he says: "Of many ideals possible, one and only one is the best. He—the moralist—can give no reason why it is so: he can only reiterate that it is a fact." Brains, then, are man's most dangerous possession. Their use inevitably leads to immorality. But Protestant Christianity knows that Rome is the apocalyptic "beast" and "mother of harlots"; and outsiders—the great question for them is, as to whether they know anything.

Before we forget the old lady of our opening fable, let us make the obvious and yet important remark that her disconcerting destitution of Bible was not for any lack of Bibles in the world. And possibly the many persons at the present time who are so sadly "out" of morals may be only advertising an individual poverty that is more due to their negligence than to the destitution of the world at large. Mr. Emerson has recorded his judgment that

> "No accent of the Holy Ghost
> The heedless world hath ever lost."

And if he be right, perhaps the age is not so hopelessly bankrupt of morals, after all.

Right here let us steady ourselves a moment and see if we can get a footing. Those who have the best right to an opinion in the case, tell us that the human race has occupied this planet at least a hundred thousand years. That the first ninety-five thousand years were not altogether fruitless is proved by the fact that, about five thousand years ago, certain peoples emerged into a condition so much better than the preceding, that we have agreed to call it civilized. In any case, whatever preceded, or whether the race had existed a longer or shorter period, civilization appeared. Since that time the world, on the whole, has made progress. Some nations have gone backward, some have disappeared altogether, but the world is better. This is true, whether we take the authority of "inspired" or of "profane" historians. On the whole, the world knows more, lives more comfortably, and behaves better.

Now, there are two ways of explaining these facts. One is, that the world has been under the direct superintendence and

training of a supernatural person, who has been leading it along in fulfillment of his own divine plan. He has done this partly by general providence, and partly by special revelations of his will, by means of books and persons. The other theory is that the world has developed by natural processes, capable of being discovered and verified by observation and experiment. If, now, after all these ages, the world is so sadly "out" of morals, if it has no rational standard and no effective sanctions in the matter of conduct, what is the irresistible inference? To the supernaturalist it must be specially disheartening; for it can mean nothing less than that God is dreadfully lacking in governmental resources. But the naturalist, taking refuge in the fact that society really exists, and has slowly improved, may trust that, since the world has grown to what it is, it will continue, not only to exist, but also to improve.

In this ethical taking account of stock, over all theories and hopes and fears, over all regrets and premonitions of evil, we must have a preference for facts. And the fact appears to be that, just now, the authority of "supernatural" or ecclesiastical ethics is much less than it has been for some hundreds of years. The present disposition seems to be away from rather than toward it. The probability is that this disposition will increase rather than lessen. As a fact, then, "supernatural" authority seems to be losing its hold, both as standard and sanction, in morals. The causes of this are not far to seek.

First. Whether rightly or wrongly, intelligent and free men, both in and out of the church, are coming more and more to disbelieve in the infallibility of the Bible. The claim made on its behalf—it does not make it—that it is of supernatural authority, is largely discredited.

Second. The intelligent world is coming to deny that an Italian priest in the Vatican has any better way of knowing the infallible will of God than has any equally intelligent man outside of it.

Third. Many things which both church and Bible have declared to be right, the best part of the world now feels and declares to be wrong.

Fourth. The best church people themselves, in practice, do really select, modify, drop out of, and add to the express teachings of the Bible itself. As examples—a long list might be given

—take the Mosaic law of usury, and the positive precepts of the Sermon on the Mount concerning non-resistance, borrowing, lending, provision for the morrow, etc., etc. Who now obeys the command of God, through James, as to the cure of the sick? A little sect in England tries it, and a Christian nation arrests and imprisons them for obeying an explicit Christian commandment.

Fifth. The best conscience of the age declares that even the ideal of God himself, as set forth in the Old Testament, is immoral. Good men will no longer worship a God who commissions a prophet to lie, and by whose express order a city is given over to murder, pillage, and rape.

Sixth. Ecclesiastical authority in all ages has commanded men to do many things, for the doing of which, in this world, they would be no better; and has forbidden their doing many things, for the doing of which, in this world, they would be no worse. Getting tired of these ecclesiastical burdens, men are beginning to ask if it is really true that the ecclesiastics know so much more than common men about the next world; and if they do not, why these burdens should be any longer borne.

Seventh. Another thing that weakens the claim to supernatural authority is the fact that those who make it are not agreed as to what it teaches. It therefore naturally suffers the fate of "a kingdom divided against itself."

Now, it is not incumbent on the present writer to substantiate all these positions. He only points out the undoubted fact that, so long as all or most of them are held true by large numbers of people, so long will the claims of supernatural or ecclesiastical ethics be put lightly one side, and its threats be disregarded.

What has been so far said does not at all militate against the fact that the church has usually taught and been on the side of good morals. It only touches the question as to the basis of the authority upon which she has taught them. Though, as to her general influence, one thing must, in justice, be said. While teaching good morals, she has usually laid her chief emphasis on something else. The things she has made most important have been not those which had the largest bearing on the practical conduct of men in this world.

When, now, we turn to consider transcendental or intuitional ethics, we shall find their case also far from satisfactory. In a recent notice of a new book by Miss F. P. Cobbe, Colonel T. W.

Higginson admitted that, for the present, the transcendental theory of ethics was out of favor, though he expressed his belief that its time would come again. It is confessed that, at present, its authority is rarely granted. It has claimed that conscience is "the direct voice of God in the soul," that it speaks with the authority of a "categorical imperative"—whatever that may be. It has taken its stand above reason and experience, and, speaking out of a cloud, has demanded unconditional obedience. But the right of its scepter is now questioned, and, among others, for the following reasons:

First. This "direct voice of God" has involved itself in endless contradictions. First or last, somewhere and at some time, it has commanded almost every vice, and forbidden almost every virtue. Even in the same age, the same religion, the same church, conscience has led opposing factions, and uttered contradictory orders. Which one, in the infinite Babel of conscientious voices, has been the "direct voice of God"?

Second. A little clear analysis shows that what is called conscience does not perform the work that is popularly ascribed to it. It does not tell us *what* is right and *what* is wrong. It is rather the voice of the moral nature, giving utterance to the word *ought.* The question, "Ought what?"—this is not answered by the conscience, but by the judgment, or the moral sentiment of the time. A thousand things help a man to make up his mind as to what he ought to do. It is the office of conscience only to press upon him the duty of doing it.

This makes clear the contradiction with which the old theory is powerless to deal. All men, in all ages, have heard the voice of conscience saying *ought.* But race, religion, and education, and a hundred things have contributed to make up the local and temporary opinion as to *ought what.*

Third. The nature of conscience is now found out. What seemed a mysterious and superhuman voice is now known to be the result of human experience, under the law of heredity. Having all the force of human experience, it may yet be modified by a new experience, that brings with it a clearer light and a deeper wisdom.

Before raising the question as to what there is left, a few words are called for as to the fact and dangers of a transition from one ethical theory to another. Beyond question, this is a time of transition. Thousands of men feel the old reasons for

conduct slipping out of their hands. They are looking earnestly about to see if there are any reasons left, and, if so, what they are. Beyond question, also, this process is, for many, a dangerous one. Mr. Herbert Spencer has called earnest attention to this, in his "Data of Ethics." And in conversation with the present writer last summer, he pointed out the work to be done in this direction as the most important present mission of a free pulpit.

But, while admitting the danger, I cannot help thinking that its magnitude is largely exaggerated. Plainly stated, the danger is this: Men have been accustomed to obey moral laws for certain reasons, which reasons are supposed to spring out of certain theories of God, life, death, judgment, etc. If you take away their motives—this is the danger, they say—men will cease to be moral. This, of course, is granted. But—and here is where the danger is exaggerated—the mental theory is only one of the motives, and in many cases *not* the most important. If a man has lived a moral life chiefly through fear of hell, then, of course, he, or his neighbors, will be in danger if that fear is taken away. A church member in the West once said to me, "There would be few Christians if there were no devil." If the infernal chief of police were removed from office, that man would need to be looked after by a terrestrial one. But is it not true that, with most men, economical reasons, the love of friends, the desire of social approbation, hereditary tendency, a hundred commonplace reasons, are more powerful motives of conduct than the theory of ethics they happen to hold? This world has more weight with most persons than the next one has. A few may sin because they cease to believe in God or a future life. But, as matter of fact, those who express doubts on these points are not generally worse than others. And a calm thinker, like Lord Bacon, has dared to express the opinion that this world, at any rate, is safer with atheism than with superstition.

Professor Goldwin Smith's talk of a "moral interregnum" is more alarming at first sight than it is after being analyzed. If moral laws were really suspended, no harm could possibly result. For, no moral laws being in existence, none could be broken, and, consequently, nothing evil could possibly happen. It would be as though, in the case of a man, the law of gravitation were suspended. He could not fall and hurt himself if he tried. But if the moral laws are not really suspended, as some people hastily suppose they are, then—if those laws are real—the per-

sons who break them will speedily find it out, and be brought to their senses. No large number of people would jump over a precipice, on the belief that gravitation was no longer a power, after they had seen a few persons try it. All this kind of fear as to a possible moral chaos simply reveals the fact that men do not think of moral laws as natural and real. They have so long been taught that this would be a capital world to sin in if only there were no other, that they have lost sight of the inevitable linking of cause and effect as pertaining to moral action. They are like the young man a newspaper told of some time ago, who "would have had a capital time in Paris if he had not been converted just before sailing for Europe." Instead of believing the Old Testament writer, who says "the way of the transgressor is hard," they have been taught, even by the pulpit, to think of "the pleasures of sin" as a "flowery path," with a precipice—perhaps—at the end. Take from the minds of youth, so taught, all fear of the end, and the consequences need not be elaborated. But who is to be held responsible for any such danger as this? Those surely, and those only, who have been teaching so vigorously and so long that there are no natural reasons for virtue, and who have thus been trying to build the whole fabric of conduct on foundations that will not bear rational investigation. Teach young men that there are no adequate reasons for good behavior except certain consequences to be expected in a future state of existence; then educate them and teach them to use and depend upon their rational faculties; then let them discover—as they must—that these alleged consequences in a future life are only matters of faith, not rationally demonstrable; then feed them on the economic philosophy that "a bird in the hand is worth two in the bush": and why should the doctors of divinity be surprised at the result? These young men stand on the brink of self-indulgence; the church concedes that it would be very pleasant to jump over; and she has no reason to urge against it except a hell that two-thirds of her own clergy do not more than half believe in. Is it any wonder that young men risk the leap?

Is it not time, then, to raise the question as to whether there is any natural basis of morals? Is there any reason, in the nature of things, for calling some courses of conduct right, and others wrong? Is there any natural way of finding out what these are? That is, is there any natural ethical standard? And, once more,

are there any natural motives that can be trusted to lead men to choose the right?

These are great questions; and only brief space is left in which to treat them. But it is believed that the answers can be indicated, and the direction in which they can be found made clear.

First. As to natural reasons for conduct—as to why some things are called right, and others wrong. Is it true, as Mr. Mallock says, that "no reason can be given"? If there are no adequate natural reasons, then—so far as this world is concerned—it can make no possible difference what we do. And we are placed in the curious position of supposing that God will reward or punish persons—in some other world—for actions that neither helped nor hurt anybody in this world. For if actions do help or hurt, then these helping or hurting results must be the natural consequences of conduct in this life. And these consequences may well be regarded as the reasons why they are called right or wrong.

The Rev. Frederick W. Robertson has said: "God sees sin, not in its consequences, but in itself; a thing infinitely evil, even if the consequences were happiness to the guilty instead of misery." This is sublime nonsense! Leaving on one side the question as to how it happens that certain theologians are so familiar with the way in which "God sees" things, we are of opinion that, if the human race could be led to a state of perfect happiness by a course of sin, it would be somewhat difficult to make them repent of the road that brought them there. All this talk sounds more absurdly still when we remember that Christianity itself offers heaven as its highest reward, and hell as its deepest penalty. That is, Christianity is the extremest form of hedonism. And the case appears worse still when it is remembered that, instead of holding out heaven and hell as the natural results of conduct, it makes them the arbitrary bestowal of a Power who rewards and punishes for things that make this world neither better nor worse.

But let the reader make out a list of real virtues and vices,—leaving out conventional and ceremonial matters that have no visible results attached to them in this life,—and he will find that the virtues are those things that the experience of the race has found to be of advantage, to be good for men; and the vices will be seen to be those things that the same process has discovered

to be injurious—bad for men. What clearer or more valid reason can there be, then, for giving these actions the names they bear? These reasons are rational, observable, adequate; and they appeal to the practical judgment of every sensible man. They are not in the infinities, nor in the invisible and problematic future. These are here, and now—as tangible and certain as gravitation.

Second. And out of this experience will be seen to emerge a practically clear and satisfactory moral standard. If ethics is to be treated as a science, such a standard must be found. It must be an accessible, objective one. We have spoken of helping and hurting, of advantage and injury. What do we mean by these terms? Help or hurt what, and how? Advantage or injury to what, and in what way? What is the standard by which actions can be measured? The experience of the world enables us to put the answer to this great question into one word: and that one word is—Life. The deepest instinct and strongest desire of all sentient creatures—man included—is toward life. And the one effort of the world is to preserve and increase it. The total history of the race is the history of its one, age-long effort to "have life, and to have it more abundantly." What we call civilization is only a larger unfolding, an elevating, a deepening, and a broadening of life. Whatever man has found helpful to this, he has called good; and whatever he has found to stand in the way of this, he has called evil. Whether we deal with nations, with religions, with societies, with political parties, with families, or with individuals, this one statement sweeps all through, and holds good everywhere. Draw up a list of those actions that a parliament of the most moral will agree to call evil, and however apparently advantageous for a while, and in some circumstances, yet it will be found that, on the whole, and in the long run, they have tended and must tend toward disintegration and death. Just as, for a while, a man may appear to thrive while violating the laws of health. Yet every one knows what the end will be. This law the world is beginning to find out. It is what Matthew Arnold means when he speaks of a "power, not ourselves, that makes for righteousness." Have not theologians dilated for ages on the vices of the Roman Empire as leading to her "decline and fall"? Do they not point out the same things in the careers of dissipated young men? The one standard of moral action, then, is life.

But now we must just touch on another phase of this subject that is strangely misrepresented. For to say life is only another way of saying happiness. To say life *and* happiness is not making the standard double: it is only to call attention to the one content of life, which alone makes it desirable. To say that a man desires life is only another way of saying that he finds in it, on the whole, more that is desirable and pleasurable than the opposite.

To say that pleasure, happiness, the desired—as opposed to its opposite—must be the object of all free, sentient activity, is only to give utterance to a necessary truth. For, by the very meaning of the terms, pain is that kind or class of sensations that we inevitably seek to drive out and keep out of consciousness; and pleasure is that kind or class of sensations that we inevitably seek to bring in and keep in consciousness. To say, then, that a being chooses what, on the whole, he does not desire, is simply absurd.

These considerations are further strengthened by the scientific knowledge that all healthful life is naturally productive of and accompanied by pleasure. Thus, rightly understood and philosophically treated, life and happiness are interchangeable terms, and stand for the same thing.

This by no means implies that each person is to seek the immediate gratification of his own desires; for the experience of the race has demonstrated, over and over again, that this is not the way to the most of life and happiness. To caricature this doctrine, then, as so many do, and say that its logical result is immediate, personal self-indulgence, is intellectually shallow and childish. It shows that the person so doing is reckless of the truth, and willing to make a point by appealing to popular ignorance; or else, that he has failed to think deeply enough to comprehend the matter.

If any one asks how, in special cases, a person is to know what course of conduct will conduce to the most of life and happiness, and will therefore be right, the answer is not far to seek nor difficult to find. In all common cases, the matter is already settled by the experience of mankind. In spite of foolish casuistry, the great moral virtues of the world are no more in doubt than are the properties of food and poison. And they have been found out in precisely the same way. All sensible persons know what they ought to do and what not. There needs

no doubtful weighing of probabilities in each case, any more than one needs to sit down every morning before breakfast and calculate the qualities of wheat and eggs. Experience has settled the great practical questions. And this experience of the race is summed up in every normal man's intuitions, instincts, and practical judgment.

This kind of guidance has recently been referred to somewhat slightingly by a writer who, as "A New-Light Moralist," manufactures a set of teachings held by no scholar. In THE NORTH AMERICAN REVIEW for May, 1881, page 449, he speaks of those intuitions as, according to Spencer, "merely the product of the gathered experience of our ancestors." He thinks that such a product can have little claim to authority. But "the gathered experience of our ancestors" as to the effect of taking strychnine does seem to carry with it quite a respectable weight of authority. On what other basis of authority is the total fabric of our social, political, commercial, and industrial civilization built?

This same writer (page 504) says Spencer's ethics will be good for the final condition of man, but that he fails utterly to tell us how we are to get along meanwhile. Had he run the risk—which Sidney Smith says he always avoided—of being "prejudiced," by a careful reading of Chapter IX. of the "Data of Ethics," particularly the last part, he would indeed have lost his opportunity of being witty and amusing, but the gain in accuracy might possibly have reconciled the reader. As matter of fact, Spencer does treat this matter at length, and, as the present writer dares to think, very satisfactorily indeed.

Selfish pleasure-seeking is forever debarred by this life-and-happiness standard; because all experience, from Solomon down, has proved it to be a failure. It means actual diminution of happiness and of life, and, in its final outcome, death. Men are bound together, and cannot ignore the fact. Love, sympathy, altruism, these—as Bishop Butler long ago contended, and as all observation teaches—are just as natural as selfishness. And men cannot disregard them without hurting themselves.

Third. But little space is left in which to answer the last question,—as to whether any natural motives exist which may be trusted to lead men aright. Let it be remembered, however, that if they should not succeed completely and at once, still they can hardly fail more disastrously than theological and transcendental ones have done.

What are the natural motives toward right? They may all be summed up by saying, They are the instinctive, undying, and all-powerful human desires for life and happiness. Is this only refined selfishness? Not at all. Selfishness, as a vice, is not the desire for good for oneself, but only a willingness to gain personal advantage at the expense of the welfare of another. To desire a good for oneself that includes good for all others is not selfishness. And, in spite of pessimistic fault-finding, there is already more unselfishness than selfishness—in its evil sense—in the world; otherwise there would be no society at all. And the world is also a place where, in the long run, the good of one and the good of all are found to coincide. A *sensible* desire for life and happiness, then, is a desire for these for all.

The whole thing, then, may be put in a nut-shell. Unless the world is infernal in its construction,—in which case all discussion of morals may as well be indefinitely postponed,—the welfare of one and of all is bound up together. The experience of the world has proved this to be true. The desire for life and happiness is the strongest force in human nature. It may be counted on to continue so forever. This fact is confessed by all religions; for to what else do they appeal? What else is the New Testament heaven? Only the theological appeal is at this disadvantage. What natural ethics points out as the natural and necessary result of conduct, under eternal law, theology uses as an arbitrary bribe—to be given, not to the best, as judged by any rule pertaining to human life, but to the favorites of an arbitrary power. This is hedonism with its moral element left out.

This desire for life and happiness being the strongest and most enduring power in human nature, and, further, being that on the attainment of which the highest human welfare depends, it follows that *this desire needs only intelligent guidance to make it progressively and finally effective.*

Let it be remembered, in closing, that the scientific theory of natural ethics does not touch the question of theism or atheism. It is equally authoritative—just as are the laws of physical health—on either theory. Neither does it leave out of account any great historic person or force, such as Jesus or Christianity. It rather includes them all as part of the total race experience of man.

M. J. SAVAGE.

THE MONROE DECLARATION.

In every conflict of European with American interest on the two Western continents, our countrymen make their appeal to the Monroe Doctrine. It is quoted as the supreme, indisputable, and irreversible judgment of our national Union. Among the very few maxims which serve to guide public opinion in our country, this ranks as the chief. Aside from the traditions which preserve our neutrality in foreign wars and complications, and extend equality of commercial advantages to all friendly nations in their intercourse with us, it may be said to indicate the only established idea of foreign policy which has a permanent influence upon our national administration. It has also taken fast hold on the popular mind. A President of the United States, justly appealing to it in an emergency, could not fail of unanimous following of patriotic citizens, even in presence of a consequently impending war. It touches the instinct of national safety, and of pride in our national institutions. A sagacious observer of public opinion will not fail to mark how a simple appeal to this "doctrine," in a given case, holds the general judgment in suspense until it is clear whether its principles are involved. If that question is affirmatively solved, the judgment becomes resolute and unchangeable.

In presence of this powerful sentiment, swaying a great people as well as their government, it is not surprising that the application of the declaration often comes into discussion on the floor of Congress and in the press. It becomes more and more important that it should be understood, in respect to its origin and purpose. When legitimately directed, Europe can never complain of surprise or wrong, for her governments have had nearly sixty years of notice of it from the United States. Indeed, its origin partially, and its occasion wholly, were in Europe. While it has

never received legislative sanction at Washington, this is in no degree to be attributed to failure of approval. It has been the natural consequence of a desire, on the part of Congress, to refrain from committing itself—in an academical sense, merely—to a general declaration. They preferred to leave the initiative of its application, in any complication of circumstances, to the executive organ constitutionally charged with the conduct of foreign correspondence, while themselves retained their constitutional function of enforcing it, in their ultimate discretion, by a declaration of war.

The registered birth of the doctrine was in December, 1823. But it had both an international and national period of gestation, the history of which is full of interest. Our Government was extremely fortunate in having at that time for Secretary of State, John Quincy Adams, and for its envoy in London, Richard Rush, of Pennsylvania. The former had not only the advantage of early experience with his father in Europe, but had represented this country in the Netherlands, Portugal, Prussia, Russia, at the Treaty of Ghent, and finally at London. He was thus thoroughly informed of the ways of European diplomacy, and of the spirit of the European powers. To this knowledge he added the firm will and resolute patriotism which have long characterized that distinguished family. Mr. Rush, as his agent at the court of St. James, joined to superior scholarly attainments the agreeable manners which win friendship, the truthful qualities which win confidence, and the careful precision in action which saves governments from difficulties and chiefs from annoyance. Mr. Gallatin was our envoy accredited at Paris, but was, during this period, on leave, and in the United States. Mr. Middleton was the minister of the United States at St. Petersburg, where the discussion of the principle was also in part conducted.

The situation in Europe was uneasy, and among its Western nations were some anger and a growing jealousy. The Eastern members of the "Holy Alliance" were haughtily confident, having autocratic Russia at their head and subjugated France at their feet. One Bourbon had been enthroned at Paris by foreign arms, and another, at Madrid, had replaced a Bonaparte. When the latter came to that throne, with the Spanish people rebellious, the Spanish-American colonies had revolted; and, on the restoration of the Bourbon monarch, had resolved to maintain their separa-

tion, with independent governments. In 1822, our Government, on full consideration, recognized their independence, and resolved thenceforth to use its entire influence to secure the recognition of the new states by Europe. Spain, during the Napoleonic confusion, had tasted the sweets of a more liberal national life; and the Cortes had imposed on Ferdinand VII., after his restoration, a constitution derived from popular right, and inconsistent with the divine right of kings. The royalists, inspired by the French Government, created an insurrection in behalf of the Bourbon principle; but they were defeated. The successful introduction of popular right into Spain was rebellion against the principle of the Holy Alliance. The three great Eastern powers withdrew their ministers from the government controlled by the Cortes, and left to the French monarch the wretched distinction of restoring absolutism to the throne of Spain. On the 28th of January, 1823, he announced, in his speech from the throne to the French Chambers, that he had ordered the recall of his minister at Madrid, and that a "hundred thousand French troops were ready to march to preserve the throne of Spain to a descendant of Henry IV., to preserve this noble kingdom from its ruin, and to reconcile it to Europe." He further declared that "Ferdinand VII. should be free to give to his people the institutions which they can only hold from him, and which, while assuring their repose, would dissipate the just disquiet of France."

Here was the bold annunciation of that claim of the Holy Alliance to the divine right of monarchy, and to interference against free governments, which was the occasion of serious alarm to the American Cabinet, and to which portions of the message of Mr. Monroe were a response. This despotic principle extended equally to Spanish subjects in Spain and in America. It might at any time be claimed to extend to the suppression of this republic, as deriving its constitution from an unlawful authority,—from a rebellious people,—and as furnishing an example which caused disquiet to lawful monarchies.

By August, 1823, the French troops had gained control of so much of Spain as indicated the final success of the purposes of the Holy Alliance and the military triumph of France. Already was the question raised in the English Foreign Office what would be the next step of Spain and of France, and whether the Holy Alliance itself would not proceed to the reclamation of Spanish America. England, by the abolition of the old Span-

ish colonial restrictions on trade, had already opened a large and profitable commerce with Spanish America. This would be lost if there should be a restoration of colonial dependence. This, therefore, was not to be desired. On the other hand, England was the greatest proprietor of dependent colonies on the globe. It was not for her Government to assume the attitude of encouragement to colonial revolt, or of premature recognition of the independence arising from it. But, if not recognized, would not France join her army and navy to the forces of Ferdinand, and so restore European control over the Spanish domains in America? In that case, would not France demand and receive large compensation in territory and colonial dependence, and in commercial intercourse, for her expenditures in the Peninsula and beyond seas? And so would appear on the American scene a contestant more vigorous and more formidable than Spain—a more dangerous rival in both commercial and military affairs. These were anxious questions with the English Cabinet in the summer of 1823, when Mr. Canning, as English Minister for Foreign Affairs, on the 16th of August, in conversation with Mr. Rush, opened the inquiry whether the United States would not join England in the policy of disclaiming all intention of appropriating to themselves any portion of the Spanish possessions in America; of regarding the question of their independence as practically settled; and of opposition to the acquisition of any of these possessions by France, either by conquest or by cession. These views of the English Government had been, in part, presented to France in April, through a note addressed by Mr. Canning to the British embassador at Paris. French successes in Spain appear to have increased the fears of the British Government, and to have inspired their minister with the thought of securing an ally for their protest in the Government of the United States. He believed the moral effect of their concurrent representations, with their large share of maritime power, would be of itself sufficient to prevent the results which were apprehended. He himself believed "that now all America might be considered as lost to Europe, so far as political dependence was concerned."

On the 20th of August, 1823, Mr. Canning again presented the subject in a private and confidential note to Mr. Rush, evidently carefully worded and offered with an air of great frankness, in which he declares the following points of English policy,

and asks the United States to join with England in making them public in some suitable form. These points are:

"*First.* That we conceive the recovery of the colonies by Spain to be hopeless.

"*Second.* We conceive the question of the recognition of them as independent states to be one of time and circumstances.

"*Third.* We are, however, by no means disposed to throw any impediment in the way of an arrangement between them and the mother country by amicable negotiation.

"*Fourth.* We aim not at the possession of any portion of them ourselves.

"*Fifth.* We could not see any portion of them transferred to any other power with indifference.

"If these opinions and feelings are, as we firmly believe them to be, common to your Government with ours, why should we hesitate mutually to confide them to each other, and to declare them in the face of the world?"

The manner of bringing the United States to declare itself on point four is worthy of attention. The dispatch of Mr. Rush communicating this "unofficial" note was received by Mr. Adams October 9th. Mr. Rush, in his reply to Mr. Canning, accepts in substance these declarations, choosing his own form of expression, and excluding the second, as the recognition by the United States was already accorded; but disclaims authority from his Government as to the manner of its avowal of the principles and sentiments involved.

On the 23d of August, 1823, as reported in Mr. Rush's dispatch of August 28 (also received by Mr. Adams October 9), Mr. Canning, by way of urgency, addressed another note to Mr. Rush, in which he advised him of information received that, after the French success in Spain, there was an intention to assemble a congress, or to devise other concerted action upon the affairs of Spanish America. To this note Mr. Rush replied in like spirit as before, always insisting upon the importance of an acknowledgment of the independence of the American States by England, and intimating that he would take great responsibility on himself in following the direction suggested by Mr. Canning, if such acknowledgment should be made at once; and this intention he reported in his dispatch to Mr. Adams.

Under date of 31st of August, Mr. Canning addressed another confidential note to Mr. Rush, who communicated it to the Department with his dispatch of September 8 (received by Mr. Adams November 5), in which he withdraws any official and

decisive character of his former notes, asking that they be treated not as a proposition, but as evidence of the nature of a proposition which he would have desired to make if Mr. Rush had been provided with authority to entertain it.

Mr. Canning again, on the 18th of September (reported by Mr. Rush under date of 19th, and received by Mr. Adams November 3), revived the subject with Mr. Rush at great length and with great urgency; and inquired whether, if England should acknowledge the independence of the Spanish-American States, that would affect Mr. Rush's action upon the declarations proposed to be made. To this Mr. Rush stated frankly that, while he had no specific powers to unite in such declaration, he would in that case stand upon his general powers, and "would put forth with Great Britain the declaration to which he had invited him," and would do so "in the name of his government, and consent to its being promulgated to the world."

On the 26th September, Mr. Canning asked Mr. Rush whether he could not assent to the proposals on a promise by Great Britain of the future acknowledgment of the independence of the South American States. To this Mr. Rush gave a decided refusal.

It appears from Mr. Rush's dispatch of October 10 (received by the State Department November 19) that he was then convinced that the whole effort of Mr. Canning was made in the interests of Great Britain as against France and Russia, and that England had no interest in American independence except so far as it concerned British interests and ambition; and that her government was even in general sympathy with the Holy Alliance in its efforts to suppress popular reforms in Europe. He considers the propositions as abandoned by England, and the discussion as at an end. He awakens to the fact that British policy will be dictated exclusively by British commercial interests, irrespective of colonial or national rights.

Another interview with Mr. Canning on the 24th of November, reported by Mr. Rush under date 26th November, explains the subsequent action of the English Secretary. Coming to no understanding with Mr. Rush, he decided to proceed directly to the French Government for an exchange of views on the subject of Spanish America. And in Mr. Rush's dispatch of December 27, 1823, he communicates to his government the memorandum of the conference between the French embassador in London,

Prince de Polignac, and Mr. Canning, which was begun October 9 and concluded October 12. On the British side it was declared that the restoration of the colonies to Spain was hopeless, and further war useless. England would continue neutral, but the union of any foreign power with Spain in the attempt to recover the colonies would present a new question on which England would be free to act. The Government disclaimed any desire to appropriate to itself territory or exclusive advantages, and intimated its intention to recognize the new states; and, in presence of any foreign force or menace in the Spanish-American dispute, they would be recognized without delay.

On the part of France it was declared that the claim of Spain was hopeless, that France had no intention or desire to avail itself of the present state of the colonies, or of the relations between France and Spain, to appropriate to herself any part of the Spanish possessions in America, or to obtain exclusive privileges; and that she abjured all intention to act by force of arms against the colonies. France was in favor of a congress of the allies to facilitate reconciliation between Spain and her colonies, and was opposed to any recognition of the new states at present.

Mr. Canning further remarked upon the impropriety of a representative congress discussing Spanish-American affairs "without calling to their counsels a power so eminently interested in the result as the United States of America." To this the Prince avowed himself without instructions, but, personally, saw no insuperable difficulty in such an association. In point of fact, an invitation to a congress of the powers, to be held at Paris, to consider Spanish-American affairs, was issued by the Conde de Ofalia on the part of the Spanish Government, under date of 26th December, 1823.

All these dispatches of Mr. Rush, up to and including that of October 10, which announced the abandonment of the propositions, were received by Mr. Adams prior to November 20, and, of course, in advance of the message of Mr. Monroe.

But it was neither Mr. Rush's dispatches nor Mr. Canning's proposals which first presented the question of principle to the American Government. Mr. Adams possessed not only a trained intellect, inspired by ardent love of our republican institutions, but a perfect acquaintance with the spirit, methods, and tendency of European diplomacy. No man could better appreciate the

menaces to human liberty everywhere, and to all rights of the people, as threatened by the several congresses of the allied powers, and especially by their circular of December 5, 1822, in which the allied monarchs announced their resolution "to repel the maxim of rebellion, in whatever place, or under whatever form, it might show itself." He knew that the unorganized riot of insurrection and the organized riot of despotism were alike destructive of popular liberty. Just now, after the final overthrow of all the Bonapartes, it was the riot of despotism. It was important to keep these despotic powers from our continent, if possible. An ocean between was safer than contiguity of any kind. There were many leagues of little known and much disputed boundary on the north-western coast, claimed by the United States, by England, and by Russia. The Russian minister at Washington wanted to know what instructions our Secretary was going to send to Mr. Middleton. Mr. Adams answered him sturdily, on July 17, 1823, that "we should contest the right of Russia to any territorial establishments in this continent; and that we should assume distinctly the principle that the American continents are no longer subjects for any new European colonial establishments."

Here, already announced to the chief of the Holy Alliance more than four months prior to President Monroe's message, was one branch of the Monroe doctrine. In his message of December following, it took authoritative form as follows: "The American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power."

While Mr. Canning was anxiously observing the dangers which threatened British commercial interests in America from the probable interferences of the allied powers in Spanish-American affairs, and while Mr. Rush was writing his urgent dispatches, the Russian Premier, Count Nesselrode, was dictating certain dispatches to his minister at Washington, Baron Tuyl, touching the same affairs. These dispatches were communicated to Mr. Adams in November, about the time of the arrival of the last dispatches of Mr. Rush on the subject of the Canning proposals. In stating the views of the Czar, Count Nesselrode took occasion to present the political ideas of the allied powers, as well as the Russian view of the Spanish claim to the revolted

American continent. Thus from various sides were concentrating upon Mr. Adams, in the autumn of 1823, notes of the preparation of a conflict which was generally expected, and in which the mailed hand of the Holy Alliance would strike the new continents, and would confront the principles of European despotism with the principles of American liberty, in close and irrepressible combat. The stubborn patriotism of Adams did not for a moment falter. "My purpose would be," he says of himself, "in a moderate and conciliatory manner, but with a firm and determined spirit, to declare our dissent from the principles avowed in those communications, and assert those upon which our Government is founded; and while disclaiming all intention to propagate them by force, and all interference with the affairs of Europe, to declare our expectation and hope that the European powers will equally abstain from the attempt to spread their principles in the American hemisphere, or to subjugate, by force, any part of these continents to their will."

Here again is seen the gestation in Mr. Adams's fertile and resolute mind of the other branch of the Monroe doctrine, and he notes that his "views were approved by the President."

Prior to the 25th November, the Secretary of State had prepared his draft of a reply "intended as a firm, spirited, and yet conciliatory answer to all the communications lately received from the Russian Government, and at the same time an unequivocal answer to the proposals made by Canning to Mr. Rush. It was meant also to be eventually an exposition of the principles of this Government, and a brief development of its political system as henceforth to be maintained: essentially republican—maintaining its own independence, and respecting that of others; essentially pacific—studiously avoiding all involvement in the combinations of European politics, cultivating peace and friendship with the most absolute monarchies, highly appreciating and anxiously desirous of retaining that of the Emperor Alexander; but declaring that, having recognized the independence of the South American states, we could not see with indifference any attempt by European powers, by forcible interposition, either to restore the Spanish dominion on the American continents, or to introduce monarchical principles into those countries, or to transfer any portion of the ancient or present American possessions of Spain to any other European power."

At this time, it appears by a remark of Mr. Adams, the President had already prepared a paragraph of his message relating to this subject, to which his dispatch was to be "conformable." The draft of Mr. Adams was the subject of repeated discussions at the meetings of the Cabinet. President Monroe thought it too strong in its expressions. He was cautious, even timid, from fear of offending the Russian Emperor, and believed it imprudent to state, as Mr. Adams desired, the principles of our republican government in answer to Count Nesselrode's statement of imperial principles. Messrs. Wirt, Calhoun, and Southard took part in the discussions, and Mr. Gallatin was called in for counsel.

Very soon after the reception of the Canning proposals from Mr. Rush, the President had communicated them to the venerable patriot at Monticello for his opinion. Mr. Jefferson had represented his country at Paris and at London, and both as President and as a retired citizen was well advised of the course of European affairs. Nothing had ever shaken his republican faith or his sincere patriotism. Mr. Monroe confided to him the correspondence which contained the germs of such an important feature of American policy, and which possibly involved the independence of the Spanish-American republics, with the fate of liberty itself in the Western Hemisphere. On the 24th October, 1823, Mr. Jefferson, at the age of eighty years, responds with the vigor and vivacity of youth:

"The question presented by the letters you have sent me is the most momentous which has ever been offered to my contemplation since that of Independence. * * *

"Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe. Our second, never to suffer Europe to intermeddle with cis-Atlantic affairs. * * *

"Great Britain is the nation which can do us the most harm of any one, or all on earth; and with her on our side we need not fear the whole world. With her, then, we should most sedulously cherish a cordial friendship; and nothing would tend more to knit our affections than to be fighting once more, side by side, in the same cause. Not that I would purchase even her amity at the price of taking part in her wars. But the war in which the present proposition might engage us, should that be its consequence, is not her war, but ours. Its object is to introduce and establish the American system, of keeping out of our land all foreign powers—of never permitting those of Europe to intermeddle with the affairs of our nations. It is to maintain our own principle, not to depart from it. And if, to facilitate this, we can effect a division in the body of the European powers, and draw over to our side its

most powerful member, surely we should do it. But I am clearly of Mr. Canning's opinion, that it will prevent instead of provoking war. With Great Britain withdrawn from their scale and shifted into that of our two continents, all Europe combined would not undertake such a war."

After speaking of the question of the United States acquiring some Spanish-American domains, and finding it impracticable, he continues:

"I could honestly, therefore, join in the declaration proposed,—that we aim not at the acquisition of any of those possessions, that we will not stand in the way of any amicable arrangement between them and the mother country; but that we will oppose, with all our means, the forcible interposition of any other power as auxiliary, stipendiary, or under any other form or pretext, and, most especially, their transfer to any power by conquest, cession, or acquisition in any other way."

By desire of the President, Mr. Jefferson transmitted the Rush correspondence to that other experienced statesman of Virginia, Mr. Madison, whose retirement at Montpelier, and his age of seventy-two years, could not prevent patriotic appeals to his wisdom and experience. The junior of Mr. Jefferson by eight years, the response of Mr. Madison indicates a mind by far senior to that of his more vivacious compatriot. His logical mind accepts the situation as portrayed, and sees clearly the necessity "to defeat the meditated crusade" against American independence. Under date of October 30, 1823, he writes to President Monroe:

"It is particularly fortunate that the policy of Great Britain, though guided by calculations different from ours, has presented a coöperation for an object the same with ours. With that coöperation, we have nothing to fear from the rest of Europe, and with it the best assurance of success to our laudable views. There ought not, therefore, to be any backwardness, I think, in meeting her in the way she has proposed; keeping in view, of course, the spirit and forms of the Constitution in every step taken in the road to war, which must be the last step, if those short of war should be without avail."

In a note to Mr. Jefferson, written a few days later, he gives expression to a sentiment which ran as an undercurrent, and still runs as an undercurrent, of all the policy under discussion. He says: "In the great struggle of the epoch between liberty and despotism, we owe it to ourselves to sustain the former—in this hemisphere, at least."

We now see collected before President Monroe, in anticipation of the final form of his famous declarations, the motive forces

and opinions which modified or directed the historical result. Mr. Canning's proposals, sometimes hesitating, sometimes eager, always auxiliary to some unavowed interest of England; Mr. Rush's generous efforts to secure South American independence by British recognition; Russia's bold enunciation of despotic principles and of the right of the Spanish monarch to reclaim his rebellious provinces; Mr. Adams's robust counter-blast, declaring the inalienable rights of the people; the vivacious counsels of Jefferson's liberalism, and the sober advice of Madison's trained and logical wisdom,—all these contributed to shape the other branch of the Monroe declaration, as follows:

"We owe it to candor, and to the amicable relations existing between the United States and the allied powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered, and shall not interfere; but with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States. . . .

"It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness. . . .

"It is equally impossible that we should behold such interposition in any form with indifference."

The effect of this declaration in Europe was all that could have been desired by the patriotic statesmen who contributed their counsel to its adoption. The message arrived in England on December 24, 1823, twenty-two days from its delivery to Congress. On the 2d of January, Mr. Canning told Mr. Rush that the principle declared in the message, that the American continents were not to be considered as subjects for future colonization by any of the powers of Europe, greatly embarrassed the instructions he was about to send to the British embassador at St. Petersburg, touching the north-western boundary. He believed that Great Britain would combat this declaration of the President with animation.

Mr. Rush, under date of January 6, 1824, writes:

"All the Spanish-American deputies now in London have waited upon me since its arrival, testifying the high and grateful sense they entertain of

the service which its decisive tone in regard to Spanish-America has rendered to their respective countries."

The Spanish invitation of December 26, for a congress touching her late American possessions, was paralyzed. The whole message, on its arrival in London, excited great attention. "It was upon all tongues; the press was full of it; the Spanish-American deputies were overjoyed; Spanish-American securities rose in the stock-market, and the safety of the new states from all European coercion was considered as no longer doubtful." The document received the approval of the calm judgment of Mr. Madison in April, 1824, in the following terms:

"I never had a doubt that your message, proclaiming the just and lofty sentiments of ten millions, soon to become twenty, enjoying in tranquil freedom the rich fruits of successful revolution, would be received in the present crisis of Europe with exulting sympathies by all such men as Lafayette, and with envenomed alarm by the partisans of despotism. The example of the United States is the true antidote to the doctrines and devices of the Holy Allies; and if continued, as we trust it will be, must regenerate the Old World, if its regeneration be possible."

Its effect upon the then pending negotiations with Russia was so favorable that the convention of 1824 was concluded, in the spring of that year, by the withdrawal on the part of the Emperor of his pretensions to exclusive trade and navigation on the north-west coast, and by fixing the parallel of 54° 40′ as the line between the permissible establishments of the respective countries. Between no two governments of the civilized world was the contrast so divergent in all their political principles, traced from their foundation through all their development, as between the United States and Russia. Yet between the American republic and no other country has there been a longer continued or more unbroken friendship. The American diplomatist in Europe is often asked for an explanation of this fact. Perhaps the answer may be found in a remark of the late Czar to a former minister of the United States. Said he: "Your Government and mine are the only logical governments in the world. Either the whole people or one man is entitled to rule." In 1823 the Holy Alliance took the despotic view, and maintained it in Europe. The Government of our country took the popular view, and declared through the President their resolution to maintain it on this hemisphere. Each respected

the sense of right which animated the other, and each has limited itself to its own sphere; and more recently Russia has wholly withdrawn from this continent, with assignment of all her rights to this republic. In due time may all other European governments, by their withdrawal of claims of sovereignty over the Western Hemisphere, manifest their wisdom and their spirit of conciliation toward a people whose fundamental ideas of government present so radical a contrast to those which prevail over the Eastern continents.

JOHN A. KASSON.

SHALL CHURCH PROPERTY BE TAXED?

CARELESS writers constantly tell us that church and state in America are wholly parted, or, as the favorite phrase is, "absolutely divorced." Because they say this so often, careless people are surprised in proportion, when they find that in truth their operations are very closely intertwined, as from the nature of things they must be, in any country where there is religion and is also civil order.

What is true is that, with the distinctness which belongs to the American written constitutions, quite accurate statements have been made, in general, as to the functions which shall be performed by persons technically called officers of the church, and equally accurate statements as to the functions of the persons who administer what are called civil offices. It happens that a good many functions, such as those of public charity and of education, which, in Roman Catholic countries, are generally in the hands of ecclesiastics, have here been transferred, and belong to the civil service. So far it is true that functions which, in other countries, are discharged by men named by the church, are discharged here by men named by the state.

People are more confused than helped by the European analogies in the study of our politics. In this matter, it is generally true in Europe that the affairs of the church are ruled by one set of men, and the affairs of the state by another. So far as this is true, there is at bottom a severance between church and state. This severance may be concealed on the surface when ecclesiastics undertake civil duties, or when civilians meddle with church administration. All the same there exists the fundamental separation. But in America, outside the Roman Catholic church, which is but a foreign intruder, and seems to wish to remain so, the same universal suffrage controls the state and the church. The same man who votes in a town meeting or

at a county election Monday, votes on Tuesday in a parish meeting, if he so choose. In any village or in any county, the very same persons direct the affairs of the church who direct those of the state; the same people vote taxes for each, and the same people pay them. Alexander Everett called attention to this fundamental identity of the constituency of church and state, in his instructive book on America, sixty years ago. In that identity is the explanation of the ease with which a double system moves forward, of whose varied checks and balances it would be difficult to give account were there not, at bottom, this substantial identity of the persons carrying on both parts of the system.

From this double system, carried forward now in a church meeting, now in a town meeting; now by ecclesiastics, now by civilians, it sometimes happens that one branch tries an experiment, which, when successful, is taken in hand by the other—all parties assenting. Thus the establishment of evening schools in the city of Boston is due historically wholly to church agency. The first was established by the Warren-street Chapel; the system was taken up by the associated churches styled in that city the "Benevolent Fraternity." The persons who carried on the school afterward asked and obtained help from the city treasury, and eventually the school committee of the city took the whole oversight and expense. That is, a movement begun by officers of the church, so called, was adopted and carried on by officers of the state, so called. In fact, of course, the distribution of the expense is somewhat different when, as in the one case, it falls on the public spirit of the citizens, and when, as in the other case, it is paid by the city tax-payers. But, where the benefit is generally acknowledged, this change is generally assented to. The history of the primary instruction in Boston is a larger and earlier illustration of a similar transfer.

From the same identity of the constituency in both church and state, there frequently springs up in the oversight of public charities a dual supervision, which would be otherwise inconvenient or impossible, but which, with us, is more and more considered to approach the ideal system. The arrangement in New York, by which prisons and hospitals are subject to regular visitation by the committees of what is called a private charitable association, is such an arrangement of double oversight. The truth is, that the Public Charities' Society is just as much a public institution as the State Senate is. But because

it is chosen by different agencies, the public has the security of a double oversight, and gains stereoscopic distinctness in its examination of the institutions of correction and of relief. General Grant wisely attempted something of the same kind, when he gave to the great missionary associations the appointment of the Indian agents. The agents were to work, all the same, under the direction of a civil bureau. He thus secured the double oversight of an ecclesiastical and a civil body. And he obtained what the Japanese attempted and did not obtain when they sent two officers for the discharge of one duty.

Among these double arrangements by which the people, the sovereign of this country, has assigned to the officers of both church and state the arrangement of one affair, comes in the exemption of church property, when used for purposes of worship, from secular taxation. Palpable inconveniences in administration have challenged attention to this particular double arrangement, and it is often carelessly said that it is without any analogy in our system. That is not true. Our system is, in all regards, a practical system, in which the sovereign advances his purposes in the shortest way, quite indifferent to its theory. It is true that since the publication, by Mr. Josiah P. Quincy, of some simple and vigorous papers on the subject, beginning now nearly ten years ago, the inconveniences of our double system have attracted very general observation. In some states the taxation of church property has been established. In all it has been suggested. It is probable that a practical solution may be found, which will exempt those churches which perform a definite public duty, while those churches are taxed which prefer to act as private corporations. It is the object of this article to show the basis on which such a solution will rest.

It is undoubtedly the policy of a republic to encourage men to surrender their private property to the general or public service. This has been from the beginning a principle with us, which has expressed itself in statutes. And the state must not look a gift-horse in the mouth. If a man give a statue to the public, the public must not say it would rather have a registered bond for the amount which the statue would cost. It takes the statue. It ought not even to complain of his choice of an artist. It accepts the statue. People who do not like it need not look on it. When accepted, of course the public does not tax it. This analogy holds through the whole system of the diversion of prop-

erty from being private property to use for, or by, the public. The state, because it represents the public, encourages, and ought to encourage, such diversion. It does not ask whether the diversion is such as its best wisdom would have suggested. It asks simply whether the property have ceased to be private property, and whether, in good faith, it is administered for the public. It may be that the public does not receive the advantages with absolute freedom. Thus a man may endow a college, for the public good, and any student in that college may have to pay for a part of his education. Still if, in good faith, there have been a surrender of private property for the benefit of all, the state would and should recognize this as a public use. Such is the general policy, and, as we believe, it is the sound policy of all our administrations.

But, of course, a question will constantly arise,—whether it be for the public good that private property has been surrendered. When a thousand gentlemen associate and build a club-house,—that they may have a common library and reading-room,—no one thinks that is a public purpose. When a rich land-owner connects himself, in a private corporation, with a poor school-master, builds a cheap school-house on a forty-acre lot of land, and opens a school upon it for pupils who pay all the charges of instruction,—when he comes to the tax-assessors and says all this is a public institution of education, these assessors are very apt to grumble. They suspect that after twenty years —after that piece of land has become much more valuable—the school will fail, and the land be cut up for house-lots. And, in general, with regard to institutions of benevolence, the question always comes up—and should come up—whether the benevolence intended be that general benevolence which takes in all mankind, or whether it be a mere private benevolence, which cares only for the persons who themselves unite. Thus, the general benevolence of the Christian Church is one thing; the benevolence of a mutual insurance company, or of a lodge of Free Masons or of Odd Fellows is quite another thing, however admirable in its way. There arose, therefore, centuries ago, in the very birth of the Roman law, the distinction, ever since observed, between public charities and private charities. Public charities are open to all mankind who may be in need of their relief. Private charities are open only to certain subdivisions of mankind, indicated by their statutes or system. Of course it will not be easy, in every case, to

say whether a given enterprise of benevolence is a public charity or a private charity; but, easy or not, the decision has to be made. And the whole question before our legislatures to-day, regarding the taxation of churches in America, is an effort to decide whether they be public or private charities.

Up to a recent time, as we have said, they were universally regarded as public charities. On the ground that they are public charities, they have been generally exempted from taxation. They and their ministers have been favored with other privileges, great and small, because of the recognized public service which they rendered. So long as the public felt that, at every point, the church and its officers were engaged in distinctly public service, the public recognized that service, and tried to facilitate it. It is not what many people call a superstitious reverence for the clergy which makes a "pike-keeper" at the West pass a clergyman free, if he ask for the privilege of a free passage. It springs from the sense of that community that, on the whole, the clergyman is engaged in public service. For if he do not preach in one place he preaches in another. Wherever people will come together to learn, he is willing to teach. It is not that the turnpike company establishes a debtor and creditor account with the church and the clergy, and calculates that the corporation has gained so much by church-bred honesty that it can and ought to remit so much in compensation. It is that, in that community, there is a general impression that church and clergy are in the public service, and that the public service must be helped forward by a corporation which exists only by the public permission.

There are many parts of the country where this position of the church and the clergy has never been abandoned. The minister of the old "First Congregational Church" of a country town in Massachusetts or Connecticut is still accounted, by old-fashioned people, as the minister or servant of the whole town, not simply of one congregation. If he is wise, he accounts himself so. The younger Leonard Bacon has published more than one spirited sermon, or other article, to show his brother ministers in his own communion that they must not abate one jot of this privilege of a New England minister. In almost any such town, the minister of this church would be asked to serve on the school committee, and he ought to have good reason to show if he decline. Till very recent times this "First Church" would feel bound to provide sufficient and comfortable seats for all in the town who

wished to meet in the "meeting-house" for the Sunday services, without asking the ungracious question how far they contributed to the joint expenses, or, as the quaint Yankeeism puts it, "whether they steal their preaching." It goes as a matter of course in such a town—it goes "without saying"—that the minister of the First Church attends every funeral, of every stranger, or other persons without family, or of any person who dies "whose family are not connected with any religious organization," as the church records say. The church accounted itself, till within the memory of the present generation, not simply responsible for the morals or religion of certain persons who met to worship within its walls, but responsible for the highest well-being of the whole community—its education, its manners, its morals, and its religion;—we have a right to say, for its health, moral and physical.

But, all the same, it is certain that this condition of things will seem to some readers prehistoric. We could wish that it did not seem primitive and impossible to some ministers. In fact, however, we believe that faithful ministers cling to this position, and like to account themselves "servants unto all." Still, the public begins to doubt if they are. Still more, it doubts whether the organizations called churches are. The disposition to refuse exemption from tax to churches springs from this doubt.

We believe that the churches are themselves responsible for the growing change in the matter. When they begin to regard themselves as private charities, the public will regard them so before the generation has passed by.

And any change which the last generation has seen in the simple readiness with which, by one concession or another, the public acknowledged this service, has come from the gradual failure of churches to render general or public service. When it happens that a clergyman, asked to bury a poor actor, answers that it is none of his business, because the man does not belong to his parish; when he says he believes there is a "little church around the corner" where they do such things, but that, really, he cannot, nor his church,—that remark of his indicates a new period, when churches are beginning to consider themselves private charities, and not public charities.

Oddly enough, and this is an important instance, the great Roman Catholic Church, in entire falsity to the idea of catholicity, has, in this country, dropped wholly into this narrow habit, which considers churches as clubs, instituted for the benefit of their

members. Thousands of Protestant clergymen have spent and been spent in the physical relief of poor persons belonging to the Roman communion. But who can name ten instances in America, where the Roman Catholic priest, in any neighborhood, has lifted a finger for a Protestant beggar? This church worships in a foreign language, maintains a foreign clergy, and—by an almost affected isolation—stands apart from the school system, the lyceum system, the public hospitals, and all general charities of America. They must be Roman Catholic institutions, or this church will have none of them.

Again: there has grown up a habit, in our large towns, of building up what in England would be distinctly called "private chapels," where an attached, well-educated, and well-to-do parish engages the ministry of a brilliant, learned, and pious minister to serve it. This habit runs in just this same direction. Men do not say it in words,—nay, they do not think it systematically,—but in practice the thing amounts to this—that that chapel is their private religious club-house, and the minister is the consecrated steward of the club. True, he wishes to do work outside of it. He is always trying to make the mass of men understand that it is Christ's church, and free as air to all comers. But it is not free as the air to all comers. It is built at the cost of certain persons, who own it. They have a right to enter it, above the right of those whom they invite to enter it. It is their property. I may ask all the world to enter my house. I may be as cordial as daylight to every one who comes. Still, every one who comes knows it is my house, and respects my property in it. Just that is the relationship of the outside congregation, however loyally or cordially invited, to the persons who have built a chapel, or church, or meeting-house, and at whose charge religious service is maintained in it.

What happens at such a church every Sunday? A body of accustomed worshipers, taught by experience to attend promptly, do attend promptly, and take the seats to which they have attained a right. Perhaps they literally own these pews, nor is there anything wrong in their owning them. A floating congregation of other persons, attracted by the earnestness of the preacher or the dignity of the ritual, attend as visitors. They are visitors. They call themselves visitors, and they are so called by their hosts. The most spirited efforts are made, very probably, to accommodate them with seats, and the service begins.

But all the world sees and knows that this is not the same thing which all the world saw and knew fifty years ago. When the town built the meeting-house from its own treasury, and provided that the house should be large enough for every man and woman in the town who chose to come, the condition was wholly different from what it is in such a private chapel as we have described. The public notes the difference; and, in a form which challenges general attention, the public is reminded that such churches are no longer "public charities," but that they have become "private charities." It must be remembered that these churches, precisely because they are large, successful, and because the utterance from their pulpit goes far and wide, arrest much more of the public attention, and stimulate discussion on this subject we have in hand much more, than do the more primitive established congregations, which have survived from older generations, and, so far as they can, are pursuing the older way.

But a hundred readers, even before they have come thus far, interrupt us by exclaiming that all such illustrations are exceptional, or do not describe the whole. In the churches they know best, the charity committees are on the alert to spy out all suffering. The minister devotes only too much time to those who are lost; he is even too confident that the sheep who are folded do not need him. He does not put a fair amount of work on his Sunday duty, they say; he is spending and spent on the schools, or on the drainage, or on the public library of the village. He gives himself up, and the officers of the church give themselves up, to the public duties to which Jesus Christ commissioned them. He came to save men from their sins, and that is what these churches are eager to do. He came to seek and save that which is lost, and that is what these ministers are working for. Such a protest, admirably well put, gives the force to Dr. Pitzer's careful article, which appeared in this REVIEW a year ago.

We are eager to admit all the fair force of such protests, and so, as we believe, is the public. But we call attention to the subject again,—as, doubtless, we may have to do often,—to suggest that such protests must not be left to rhetoric, to pulpit appeal, or to merely literary expression. Let us have them in statistics; and the public—which, as we have said, is at bottom the constituency of the church—will accept them as readily as any synod of ecclesiastics.

What the public will not accept, and ought not to accept, is the condoning for the selfishness of some churches by the plea of generosity of others.

We believe that there is no practical difficulty in arranging the details of a system by which those churches which really do public duty, and are, therefore, public institutions, should be respected as such; by which, also, those which are virtually private clubs, and indifferent to the public as such, should be regarded as private, and taxed accordingly.

We do not think this distinction is sufficiently made in such statutes as that of New Hampshire. That State discriminates between rich churches and poor. It taxes church property where it exceeds ten thousand dollars, and exempts it where it is below that sum. There is no principle for the distinction. And, in the long run, such distinctions do not satisfy.

In a more equitable distinction, we should tax all churches in form, and should exempt in practice those which proved their right to exemption. Let the test of this right be in the expenses of the charities of a church, outside the families of the organized corporation. What the social science people call "outdoor relief" is precisely the side of charity which most disturbs the public functionaries of the state. It is precisely the side of charitable work on which churches, from their very nature and traditions, can and ought to engage. Let every organized congregation, then, show to the assessing officers every year a precise account of the money it has spent in public charities—as in its poor relief, in its hospitals, or similar public cares. No account can be more easy to prepare and audit. Let every church be credited for this payment, and exempted, in proportion, from the tax on its property. And let its exemption go no farther.

The analogies for such exemption, in our common-sense legislation, are frequent. Thus, in many of the States, a man who maintains a water-trough where travelers may refresh their horses, is exempted from tax, in a sum determined on. Subdivided and simplified as is our admirable system of local taxation, the details of such a plan would be managed without any appreciable difficulty.

The merit of the plan is its justice, which is so clear that every one ought to be satisfied with it. The rich churches, which have built large and costly edifices for their comfort, ought to pay largely in these outdoor charities. In the compar-

ative leisure of their congregations they have a force, far more than sufficient, for organizing these charities so that they shall do more good than harm. They will carry to the work of relief the tenderness and intelligence combined, without which there is no relief. "You do a man no good," as Dr. Ellis wisely says, "till you begin to make him better." This is just what churches are for. It is just what they claim even divine power to do. And they will have no right to complain, but rather to rejoice, when any dispositions of the public law of the country compel them, as organizations, to attempt such duties, if they have been tempted to leave such duties to the unorganized tenderness of their separate members.

But if any church prefer to "enter into its rest," and so declines organized and systematic effort for the improvement of its neighborhood, let it pay its tax to the community. This is the alternative. Ten years of discussion of this subject in almost every forum in America have failed to show any strong reason why such a tax should not be levied upon all private corporations—even though they be "private charities." If a church cannot prove itself a "public charity," it must be taxed, as a private library would be taxed, even though it were held by several persons in partnership—as a private school is taxed, even though there be several teachers who unite in it. The church must be judged by its fruits, as the Master said and directed. Among those fruits which the commonwealth has a right to exact and to sit in judgment on, the most important is the higher life of the community in which it lives. Let us see what those theories of God and man are worth, which it teaches; when they are squarely and distinctly applied, in its own practice, to reclaiming drunkards, to reforming criminals, to preventing pauperism, and, in general, to lifting up what has fallen down.

We have no fear as to the unfavorable result of such gentle compulsion by the state, either on church architecture or the cause of missions; that it may reduce the dignity of ritual or in any way hamper the freedom of our congregations, or that noble growth and strength which is the result of freedom. These things are always added, as they have always been added, to those who are willing first to bring in the rule of God and what has still no better name than His Righteousness.

EDWARD E. HALE.

JEWISH OSTRACISM IN AMERICA.

AVERSION to the foreigner is an instinct of the human heart. The street-boy who stones the harmless Chinese, represents the normal dislike of the untutored mind for the man who differs. The feeling which is the basis of the closest human relations—the feeling of sympathy—is but the reverse of the antipathy experienced against the possessor of opposite views. To the savage, the creature whose conduct varies from his own, is of another species. Classic civilization found the stranger the barbarian. Mediæval crusaders attacked as barbaric the richest culture of the age. In more modern times, the volatile Frenchman bore no affection for the shop-keeper across the Channel, and the phlegmatic Saxon showed little disposition to love his Latin neighbor.

In the light of a closer knowledge, the causes which foster hatred of the foreigner are being rapidly removed. The extension of social communion teaches us that our range of experience is not the only possible one. Truth becomes relative, and no longer are we alone infallible. The multiplication and diffusion of literature acquaints nations with the inner life of each other; steam and electricity disclose a common resemblance beneath the superficial differences of peoples. The loud-voiced thunder of the locomotive, the silent tremblings of the mid-ocean cable, preach the brotherhood of man.

And so we seek in strange lands and in foreign tongues the traces of that common brotherhood. Gautama Buddha, no more an accursed pretender, is an inspired prophet. His deeds swell the poetry of a nation far removed from his own in psychological tendencies. Mohammed, once a crazy impostor, is a soul possessed with the divine frenzy of a seer. The hand of fellowship is extended to the quondam infidel.

Why is the Jew still excluded from the brotherhood of humanity? He is no distant creature, to be idealized. He is colonized

with such power in Aryan countries as to make the Pharaonic rulers dread the multiplication of Hebrew resources. A divergence in religion, in physique, in mental habits, may be tolerated, but it must know its place, and not compete successfully in the mart and in the college with the apostles of humanity. The dweller of the Rhine would probably lose some of his vaunted love for his brother of the Ganges did that brother show any disposition to encroach upon the soil of United Germany. Common brotherhood has not reached the point of forgetfulness of *meum* and *tuum*. "You are my brother," cries the tolerant philosopher of to-day, "but only so long as you keep your distance. Come nearer, show any disposition to take from me my philosophic laurels or my unphilosophic gains, and I denounce you as a scourge and a plague."

But, whatever may be the excuse in other countries, America has no extenuation for antipathy to the stranger. The American people is not a nation that traces a long line of ancestry to an aboriginal root. America is the scrap-bag of the world. The nations have contributed, and do still contribute, to form a motley population, from which a new people is to arise. In the first century of its existence, American institutions developed no original form peculiar to a distinct nation. American literature is only now assuming a native air; and schools of American philosophy, music, and art are aspirations of the future. The first settlers of the soil—whether Catholic, Protestant, or Puritan, Gaul, Celt, or Saxon—were, indeed, Aryan and Christian; but any common right based upon the bonds of Aryanism or Christianity would, until the present day, have been considered absurd. To the colonial Puritan, Roger Williams was the foreigner as truly, if not as fully, as the Hindu of the same or the Jew of a different stock.

The American Revolution was a union of foreigners. The American Constitution was the law of a state organized for the common protection of foreigners. Its vitality lay in its political recognition of the dissenter, or, rather, in its non-recognition of any dissent. Its citizen was the man, not the sectarian. Whether brought about by the course of progress, or by the exigency of the times, the American Constitution was the only resource of a nation of foreigners. American hatred of the foreigner is a paradox.

In America, the Jew has a double claim to recognition—the claim of the man, under the wide tolerance of to-day, and the

claim of the American citizen, under the broad spirit of the American Constitution. Has he received the treatment he merits as a man, and the rights he deserves as a citizen?

To rehearse his virtues in the latter character is to tell a trite and oft-told tale. The judge who desires to be considered liberal recites them from the bench when, on rare occasions, he has the opportunity. The Hebrew, his honor declares, is among the best of citizens. Peaceful by nature, he bears much without complaint. He is rarely met in almshouses and prisons; he seldom trespasses on public charities; he is temperate and moral; the societies for prevention of cruelty have no field among his people. He supports his own poor, contributes to general almsgiving, and opens his hospitals to the sick of all creeds and races. He fights the battles of America, gives his means in her cause, and loves, with passionate enthusiasm, the land of his adoption. This citizen certainly deserves equality of rights under a free government such as that of the States professes to be.

The first amendment to the Federal Constitution, emphasizing the spirit of the whole document, declares that Congress shall establish no religion. This provision would appear to guarantee the separation of church and state under American jurisdiction. But literal interpreters find that the first amendment, which forbids a national religion, implies the right of each State to establish a church according to the special bias of the commonwealth. This explanation has been practically recognized as the true one. While the Jew may possess, theoretically, the equality of an American citizen, actually, any State may enact such proscriptive laws as it deems desirable.

The constitutions of many of the older States are permeated with religious preferences. Those declarations which tacitly excluded the Jew from the protection of the commonwealth were always of little practical moment. More injurious were the regulations that made Christianity a test for office. Prolonged hesitancy was shown by the ostracizing States to relinquish conscientious scruples against a Hebrew legislator. Not until the year after the centennial anniversary of our independence was the last religious qualification for office abolished, when New Hampshire annulled the law which required its executive and the members of its Assembly to be of the Protestant faith.

The gradual acceptance of the doctrine that the state is a social expedient, not a divine organism, is tending to harmonize

the spirit of the American Union with the spirit of the American commonwealth. That the legitimate province of politics has not yet been clearly defined, is abundantly shown by the Sunday laws. While no uniformity in these regulations exists among the States, yet in all the first day of the week is recognized as the official Sabbath, and its observance is enforced by penal statutes. In the more liberal of the commonwealths, Sabbatarians are, with various restrictions, freed from the penalties imposed on the ordinary Sabbath-breaker; they are likewise granted exemption from court attendance on the seventh day. These concessions, however, have by no means become general. A long contest of five years has been waging in the legislature of Pennsylvania to shield Sabbatarians, who work quietly in their premises on Sunday, from legal prosecution.* The conscientious observer of the Sinaic Sabbath is forced in many States to lose two days of the week, while the follower of the popular belief loses but one; he is compelled to attend court on the seventh day, and is penally restricted from amusement on a day not sacred to him. The musty odor of colonial charters and Puritanical laws still clings to the halls of American legislation.

Besides this wrong, there is another that comes to the family board of the Jew with special force. It is the disability imposed upon his children in the free schools of America. The Jewish parent pays his taxes equally with the Christian citizen; the Jewish pupil does not flag in the race for knowledge with his Christian rival; yet at the public school the disadvantages of the disciples of Moses are so great as to cause many a little heart, burning with ambition, to dread the approach of the Mosaic festivals. With the recurrence of each season, examinations are arbitrarily fixed on the very holiday of the Jew; absence for religious purposes is punished as an offense.† "I am sorry for you," said a

*At the last session of the Pennsylvania legislature, only one vote was required to secure the passage of the Exemption Bill in the Senate.

†The manner of reckoning Jewish holidays upon the school calendar, and the time for fixing examinations, are usually decided by a local board of school-directors, or by the instructors. Where liberality and justice govern these decisions, the Jewish pupil loses nothing, except the day's tuition. But often—at least, in the East—the scholar absent for religious purposes on ordinary school days is punished as if he had played truant. Where lessons are heard or excused, an absent-mark gives his Christian competitor the advantage; but on Christian holidays and semi-holidays the school door is shut in the face of the Jew.

teacher to her best pupil, placed at the end of the class; "it is your misfortune, not your fault, that you are a Jew."

This remark is an evidence of the spirit with which secular knowledge is inculcated in the free schools of America. Under the instruction of the unsectarian school-mistress, the invention of the press is the result of Christian civilization; the geography of India is the triumph of Christian progress; the science of morals is inseparable from Christian dogma. Hymns to the Trinity, readings from the Testament, resound in the halls of secular learning, and the Jew, perhaps excused by special permission from denying the teachings of his home, is marked with the sign of an invidious separation.

Is it strange that, barring other influences than those arising from civil distinctions, the Jews should be socially ostracized in America? So long as American laws extend a patronizing tolerance to the Hebrew, and public schools guide the finger of the street-boy to point at Jewish features with an infant "Hep, hep," can American society fail to inhale the subtle Judaeophobia of the common atmosphere?

The civil disabilities of the Hebrew are, however, but the retroactive agents of a social prejudice, whose direct causes we are about to examine. In the popular mind the Jew is never judged as an individual, but as a specimen of a whole race whose members are identically of the same kind. It is, therefore, necessary to take but one of the species, and, describing him, *ex uno, disce omnes*. The Jew generically (so runs the ordinary estimate) is an objectionable character, whose shrewdness and questionable dealings in trade enable him to wear large diamonds and flashy clothes. He raises his voice beyond the fashionable key, in a language execrable to the ears of English-speaking people. For the proprieties and amenities of cultured life he has no regard. His conversation rings upon the key-note of the dollar; his literature is the quotations of the market. Mean in pence, he spends his pounds with an ostentation that shocks refined people. Of the higher sympathies he has none; the finer feelings he cannot appreciate. In a word, he is foreign—outlandish—a Jew. This is the general picture, whose individual variations are unimportant. The provident hotel-keeper avoids the contact of the Hebrew purse; the little child in school finds no room for the Jew in the game at recess; the man of business, whose relations with an Israelite have been close and honorable, gives vent to a pass-

ing feeling of displeasure in the reproach of "Jew." In social and professional clubs, the "Jew" is blackballed. "Jew" is the text of the opposition political orator. The liberal-minded host tells his guests, with an apologetic air, that the stranger among them "is a Jew, but quite a cultured man." An agreeable companion is spoken of as "a good fellow, if he *is* a Jew." The merchant who cheats his creditors, the criminal in the prisoners' dock, is a civil offender if he belongs to the Baptist or the Episcopal denomination, but if he comes of Hebrew blood, Judaism is made responsible for fraud and theft. Jew, Jew, Jew is the one all-comprehensive charge.

Let us examine how far the Jew may be answerable for the prejudice which exists against him. It is true that the body of rich Jews in America fails to display the culture that wealth demands. Compared with his Christian neighbor whose equal affluence opens similar advantages, the Jew does not always present a pleasing appearance. Reaching this country when the facilities for accumulation were enormous; with a mercantile aptitude developed by long centuries of enforced confinement to trade, the Hebrew mounted too rapidly to the top of the commercial ladder. Dazzled with the new freedom of America, bewildered by the privileges which the almighty dollar could purchase, the emigrant directed his energies in that road to power and comfort which appeared to him the most available highway. He was not slow to learn the tricks and subterfuges of American trade. While the Jewish mercantile record is as clear proportionally as that of the Christian, the predominance of merchants in the Hebrew community has rendered the business short-comings of the Jew conspicuous and proverbial. With a pack upon his back, or a few shillings in his pocket, the Hebrew's contact with American culture was exceedingly limited. When the accumulation of wealth introduced him to American manners, he had already become habituated to his particular grooves. It is hard for him to discern the transcendent advantage of any other outlet of energy than the money market. Perhaps, too, the difficulty of entering upon a new course of action deters him from adopting that course, although he may appreciate its value, but he resolves to give his children the benefits he has lacked, and thinks that meanwhile his money can make him independent of popular opinion. He ignores the communal responsibility borne by each Hebrew for his whole race. He does not pause

to reflect, when he violates the laws of etiquette at a hotel or a watering-place, that he is offering the back of every Jew to the lash of prejudice.

In considering the causes of social ostracism for which the Jew is partly or wholly to blame, the racial exclusiveness of the Hebrew is urged as a plea against him. The Israelite is said to avoid Christian society; he does not care to introduce business friends into his domestic circle; at public resorts he herds with members of his own faith. This exclusiveness arises partly from temporary and partly from permanent causes. It is largely due to a morbid habit, born amid the fires of persecution, when the Jew was society's pariah—a habit now cherished by the unspoken fear that the hand of fellowship which the Hebrew is willing and ready to extend may be thrust back contemptuously, or accepted with a mental reservation. Thus far Jewish exclusiveness is temporary; its permanent cause is the rule which forbids marriage with the Gentile. So long as the meeting of the young is attended with special restrictions, so long as the free intercourse customary between men and women in American society is likely to result in unhappiness, the social amalgamation of Jew and Christian must measurably be incomplete. Yet the Jewish marriage restrictions, though often fraught with sorrow to the individual Jew, cannot be disregarded conscientiously by the Hebrew who believes in the mission of his race. The infusion of Aryan blood into Jewish veins would be suicidal for Judaism; it would in a short time remove prejudice by doing away with the object. The Jew who feels himself the apostle of monotheism must bear the yoke of his priesthood. His religious regulations have become the Masonic signs of his fraternity; they are necessary to unite the scattered members of a little band destined to propagate an idea. The Jew still holds himself the personal and responsible heir of that testament, graved in the lightnings of Sinai, and signed with the life-blood of its witnesses.

While the conduct of many conspicuous Jews in America, while the temporary and permanent exclusiveness of the race, tend to cause social banishment, American Christianity is by no means free from blame. The Christian mother sings of Jewish vices in nursery rhyme, and even the catechism of the Sunday-school tends to excite rancor. In it the Jew is pictured as the God-murderer, the scion of a stock accursed and scattered for its sins. A milder preaching gives rise to the patronizing, pitying

spirit of the Christian missionary. A larger liberalism is disposed to reward the Jew for giving to Christianity its founder. Under the circumstances, it is not wonderful that the ardent church-member should bestow some active hatred upon the criminal, or that an involuntary aversion to the Jew should become a mental habit in the most indifferent Christian. To dislike the Hebrew *per se* is natural, whatever the causes of dislike may be. Ordinary minds are not disposed to review a decision which the world has pronounced final, especially when such questioning involves certain drawbacks to the bold thinker. The tendency toward acquiring knowledge of foreign peoples has done very little for the Jew, even where he is not looked upon as an encroaching foreigner, because the prejudices against him are unique. They have been wrought in the very woof of Christianity, and woven in the tissue of occidental civilization. Christianity declines to make room for an interrogation-point, in the case of the Jew. Christianity is too well acquainted with the foreigner always with her, and she refuses further enlightenment.

The popular idea of the Jew finds expression in the works of authors who regard the Jewish question as too paltry a theme for the cogitations of a philosopher. The cultured writer of "Esmond" beheld the type of the Hebraic spirit in the usurer. The mighty thunderer who lies in the dust of Ecclefechan kirk-yard could discover no heroism in the silent suffering of the apostles of an idea. Dickens prejudiced drew an impossible Jew, Fagin; Dickens apologetic produced an equally un-Jewish Riah.

George Eliot, indeed, did bring a clear vision to bear upon the Jewish question. She saw the pathos and the heroism of the Hebrew's mission, and, like the prophets of old, she fired the Jewish heart with memories that the cosmopolitan culture of the times is prone to wash away. But Eliot is before her age, as Shakespeare was before his. Shylock and Mordecai are both Jews. Some of us moderns have discerned the manhood of the betrayed father and the embittered foe, crazed with the passion to avenge racial and personal wrongs. But Mordecai is yet an ideal abstraction; Eliot's insight, a Jewish idiosyncrasy.

What Theophrastus Such calls the "abysmal" ignorance of the Christian world regarding the Jew, is really the main and ever-active fount of prejudice. The notion that a Jew must necessarily speak German, is on a par with that of the English woman who insisted that Americans live on buffalo-meat. There

is something sadly ludicrous in the total misconception of Jewish tenets and practices by persons possessing more than the average intelligence. Periodical literature explains Jewish rites with an elucidation altogether novel to the Hebrew mind. It is not only lack of acquaintance with Jewish doctrine and ceremony, but absolute ignorance of the *personnel* of any other than the emigrant Jew, that foments prejudice. No people, unless under exceptional circumstances, is willing to be judged by its emigration. A Lasker, Jessel, or Oppert is not apt to seek the fortunes of a strange soil. Yet many cultivated Israelites do swell the Jewish exodus. There are thinking men and ambitious men who long for the land where thought is free, and where individual worth and industry have the largest reward. These Hebrews, being foreigners and Jews, are identified by the keen instinct of American society with the ill-bred lounger of the sea-side porch.

But America is not wholly dependent on the emigrant for a specimen of the Jewish citizen. The large number of cultured American Israelites in this country do not fear condemnation under the most exacting system of etiquette. These Jews recognize the right of every man to choose his own companions, and they are unwilling to seek entrance at doors not opened to them with widest cordiality. It is simply through their lack of pretension that such Hebrews do not materially aid to negative the impression created by their less favored brethren. They are incorporated with the mass of our citizens, distinguished sometimes by a Jewish name or physique, but otherwise divested of foreign characteristics. "What! Are you a Jew?" "You are a different kind of a Jew!" are common remarks. There is always a latent surprise in the Aryan mind that a Jew should be a gentleman.

If the acceptance of the emigrant as the standard of a people be unjust, what plea can be made for the logic which condemns as intrinsically unenlightened a race celebrated for its culture? History, the ancestral roll of nations, tells on its earliest pages the story of Abram the teacher. The father and type of his race, he wandered from place to place the missionary of knowledge. The school-book, not the bayonet, was always the weapon of the Jew. The influence of Jewish learning upon pagan Rome made Christianity possible. In the East, famous colleges of the Jew illumined the region of the Euphrates:

schools of dialecticians concentrated in themselves the learning of the age. In the West, when Moorish culture attained a perfection never surpassed, the Jew rivaled his Semitic brother in every branch of science and literature. While the spirit of the Saxon hovered between the dark of barbarism's starless night and the dim dawn of civilization's day, the Jew basked in the blaze of enlightenment. Semitic philosophy and discovery paved the way for the Reformation. In our own day, the Jew is not backward. Modern literature, music, and statesmanship would be impoverished by the loss of exponents in whose veins the blood of Abram flows. Yet this is the race identified in America with ill breeding—a race unfitted because of its intrinsic vulgarity to enter polite society.

Of the Jewish religion, almost as little is known as of Jewish history. The faith which has supplied modern civilization with the main elements of its moral and its legal codes is reviled as a religion of blood and anger. Its provisions are decried as material, exclusive, its essence as unspiritual. The *credo* of Mosaism is brief. Its confession and articles are limited to an acknowledgment of one incorporeal God. Its teachings are not theological mysteries, but precepts fitted for human life. It offers, indeed, no supersensual reward, but it inculcates charity, it enjoins hatred of lies, avoidance of backbiting, respect toward the deaf and blind. It preceded Christianity in teaching love of our neighbor (Leviticus xix. 18), generosity toward our enemy (Exodus xxiii. 4). Its narrowness may be judged in its regulations for the treatment of the foreigner—regulations whose spirit the highest ethics of our time has hardly reached. "Ye shall not vex the stranger. As one born in the land among you, shall be the stranger that sojourneth among you. Thou shalt love him as thyself." (Leviticus xix. 33, 34.) The material regulations of Judaism are chiefly intended for the agricultural community which the Israelites formed until their captivity. Such rules as apply to trade are founded on the highest equity. "Have not divers weights and measures. A perfect and just weight shalt thou have." (Deuteronomy xxv. 14, 15.)

The sages of Israel instruct their disciples to guard their neighbor's property as their own; to speak little and do much. Of Rabbi Hillel, the elder, who preceded Jesus by several generations, the following anecdote is told. A heathen requested to be taught Judaism while standing on one foot. The teacher

replied, "What is displeasing to thyself, do not unto thy neighbor. This is the law, the rest is commentary."

If neither Jewish blood nor Jewish faith can justify the prejudice against the Jew, it is but fair that another test than that of race and religion be made a law by which social ostracism is decreed. The Hebrew wishes no allowance for his faults. He desires merely to be accepted or rejected as a man. He discovers no virtue in the reasoning which finds Christianity unwilling to typify itself in its Veneerings, yet which sees a just illustration of Judaism in the columns of a comic paper. He insists that an aggregate estimate must necessarily be unfair to the individual, and he points out his double injury in the fact that not only is he judged in the aggregate, but that the aggregate estimate is founded on peculiarities neither general nor inherent. It is a small claim that the Jew makes: he asks merely the first principles of liberty—the acknowledgment of his individuality, and the admission of his personal responsibility. He is willing that society should banish the vulgar man, the uncongenial companion, but he pleads that by the same condemnation society shall not sentence the Jew.

Jewish development in America is yet young—a little younger than the life of America itself. While American institutions are yet in a molten state, the particular genius of the Hebrew has not had time to take upon itself an American form. But there lie in the Jewish blood the mental and moral possibilities which gave rise to prophets and thinkers. It will infuse into the practical life of our new republic the intellectual warmth of the sunlands. The imagination of the Orient shall interpret the rush of Mississippi waters; the music of the Orient shall swell with the voices of Niagara's cataract.

NINA MORAIS.

THE DECAY OF NEW ENGLAND THOUGHT.

In what belongs essentially to New England thought, it is universally remarked that we are at the point of pause. The best-known thinkers and writers are mostly at the seventies, and have long since expressed their vital thought, while the positive and constructive elements in American life and letters have scarcely yet appeared. New England thought is at the point of suspense, if not of decay; at least, work is fully done upon the old lines of thought, and fresh lines have as yet hardly been constructed. The direction of thought, not less than the accentuation of culture, changes in every generation. The general culture of to-day is better than it was yesterday, but the clear, resolute, incisive thinking is less than it used to be. In political studies, in philosophical thought, in religious vitality, in the general movement of literature, the day is mostly barren of fruit. Quite enough books are printed, but those by American writers in few instances deal with questions or interests which vitally concern the people. Has New England lost its ancient power of guiding the intelligence and the conscience of the country? Is there an actual decay of the significant forces of New England thought? Have the outside parts of the country gained upon what has made New England a distinct power in theology, in politics, in hard thinking, in the criticism of life? The time has come for answering these questions, and the answers reach down to what is deepest in the convictions of this section of the country.

It is generally conceded that the fundamental element in the life of any community is its religious belief. This is most real, most permanent, most decisive of what is in man; it is the truest expression of his personality. For this reason, the analysis of thought in New England begins with the con-

victions which have directed the religious life of the people for three-fourths of a century. Calvinism has been the distinctive influence. Under other and various names it has always been the ruling element in the direction of human life. It has stood for the absolute sovereignty of God, and kept the distinction between God and man, between good and evil, at a sharp point through all the centuries. Christianity clothed this principle in the gospel of humanity, but did not conceal its power. Whenever great thinkers have come forward, the questions which Calvin stirred are the questions which they stir; the sovereignty, or, better, the personality, of God is the fundamental point in their thinking. In New England during the eighteenth and in the early part of the nineteenth century, the great dogma of Calvin, with both preachers and people, was the single conviction which ruled the thought of the community. It has made every generation great that ever held it, and it made New England great among the people of the country. It gave direction to thinking; it gave religion a purpose; it gave to every man a definite and serious aim in life. It imparted to the whole community that high seriousness which in England, as in America, has been the chief historical contribution of the Puritans to the development of Christianity in modern life. In New England this Puritan principle, half-truth though it was, became a directive force. It organized society upon a Calvinistic basis. It was severe, one-sided, sure sooner or later to be a curse to human nature, but for more than two centuries it was destined to give to New England the leadership of thought in America, and to mold, as in the hollow of one's hand, the destinies of a great people. This is the glory of our Puritan epoch. It made great men, great leaders. It secured civil liberty for the citizen. It energized the forces that strengthen American life. It developed and controlled the civil and religious elements in New England to such a degree that they took as positive direction in politics as in religion, and, joining hands with Presbyterianism in the Middle States, became a directing influence in the chief parts of the whole country.

Calvinism held this ground in the New World after a unique fashion. It was separated from catholic belief, whether in the Roman or Anglican churches. It developed freely. It was itself. But the party never rules mankind for long without missing the aid of the party which is its complement, and the Calvinistic party

crystallized in its religious dogmas at the same time that it was working freely as an organizing element in our politics. Here, early in the century, the division came. In exalting God, the Calvinistic party debased man, and there was no prophet, when the dogmas about God became absolute, to point out the danger of the hour. Calvinism had missed its opportunity, was in fact nothing but a bundle of dead dogmas, when Channing, in 1819, boldly unfurled the banner of revolt. The reaction from one-sided and uncatholic teaching had set in, and those who withdrew from the great standing order of New England included the best preachers and the best people. It is related that when Lyman Beecher, the patriarch of the last decade of the Puritan fathers, as Dr. Park is the last of their theologians, witnessed, in 1815, the downfall of the standing order in Connecticut, he returned to his Litchfield parsonage, and sat down to a sorrow which refused to be comforted. He saw the end. President Wayland, in another Christian family, also saw what was coming. The overthrow of Puritanism, and of the evangelical organizations which grew out of it and sprang up around it, was only a question of time. The Episcopal Church, now a directive force in New England thought, had then nothing to say, and would not have been allowed to say it if it had. The hopes of the new period centered in the Unitarian body—in its culture, its intelligence, and its enthusiasm for humanity. It had fine scholars, essayist preachers, an army of writers, but never the consciousness of sustained and enduring power. Channing was its great ethical teacher, but, unlike Edwards, who gave system and strength to Calvinism, was too much of an intuitionalist to be anything more than the head of a body of religious sentimentalists. Unitarianism has not a single great name in philosophy or theology. It found expression in a school of literature, but has never shown at any point, with all its beautiful and practical interest in the amelioration of humanity, anything like the religious strength and invincible purpose of the religious commonwealth from which it sprang. Measured at the bar of historical justice, it has done nothing positively in the religious world; it has lived for itself, and is now dying in the act of self-commemoration. Its religious publications have been chiefly a criticism of orthodoxy, and it has not, in half a century of existence, known whether it had a distinct work to do in the world or not. Every honor must be bestowed upon its distinguished ministry, of

which Dr. Peabody, the foremost living teacher of ethics in New England, is chief; but the two younger men now apparently most honored in its ranks and representative of its tendencies are M. J. Savage and John W. Chadwick, both of whom long since honestly gave up Christianity for the ethics of evolution or the beliefs of the reason. It is with regret that no better result of its ethical teaching can be traced.

There arose, forty years ago, partly within this body and partly without, the transcendental movement, which is best described as an attempt to express the purpose of a religious life in the terms of spiritual philosophy. It embraced in its circle many original and remarkable men, and has given to New England a distinctive school of thought, and some of our best literature. It was felt that Puritanism, then regarded as gone to seed, had done something to show the immanence of God, and the thought of the movement was to find God, not in His measureless sovereignty, but in the organization of life, in the intuitions of experience, in the activity of outward nature. This is the groundwork of the transcendental literature. It was the assertion of a vague spiritual philosophy against the hard-headed Puritan and the soft-headed Unitarian. Ripley, Emerson, Hawthorne, Alcott, Margaret Fuller, gave transcendentalism its power, and Theodore Parker, an honest man who had the courage of his convictions, carried the transcendental purpose into politics and great moral questions, and stood by the gun that fired the second shot "heard around the world."

Now, in this analysis, brief but directive, may be seen the origin of the great changes which have had to do with New England thought. They are traced back to their roots in religious convictions, in issues which are now matters of history. The leadership of thought in this country belonged unquestionably to the Puritans. In the state, they had their full quota of statesmen; in the church, they chiefly dictated the religious convictions of the nation; but their large liberality in politics became the narrowest bigotry in religion. They gave up for party the truth meant for mankind. They had no philosophy; even Edwards accepted the positions and conclusions of Locke without dispute. The legend has been either a "Thus saith the Lord," or the characteristic declaration, "I think." It has been an attempt, from the very beginning, to base Christianity upon rationalism. The consent and witness of the catholic church has never been

considered or asked for. The Puritan leadership failed, because it was the leadership of a half-truth, which neglected at least one-half of man's nature. The Unitarian leadership failed, because it eliminated that belief in the Son of God as the Son of man which is the first principle in every Christian movement. The Transcendentalists failed, because their spiritual philosophy was subject to each one's dictation—as changeable as a summer sky. The various evangelical families in New England failed, because they are only part and parcel of the old-fashioned Puritanism, now degenerated into pietism on the one hand or sentimentalism on the other,—which is its representative attitude to-day. The religious influences in New England, whether orthodox or Unitarian, have been negative for a good portion of the century. They have been fluctuations of opinion. They were—and are—departures from positive positions. The old orthodox and the early Unitarian positions gave something positive, for the moment; but all later developments have been negative. Transcendentalism survives now only in a few fossils of literature, and is chiefly remarkable as indicating a step in the development of Emerson. Unitarianism has no strength to resist the encroachments of free religion; the current evangelicalism, the living representative of the old Puritanism, is nothing but emotional pietism, too weak to command the respect of many who still adhere to it. The following which Joseph Cook obtained in Boston came from this quarter, and painfully indicated the amount of thought which these people had applied to the serious problems of life. The Monday lecturer's rationalism was as much thinner than Parker's, whom he assailed, as Parker's was wide away from Channing's; and his efforts to harmonize evangelical teachings by the scientific method exposed their inconsistencies anew to intelligent minds. The agnosticism which now prevails in New England is the result, in part, of this general inability of the existing religious systems to place Christianity upon a definite and catholic basis, and adapt the expression of its principles to the needs of the present religious thought of the people.

The analysis of these successive developments in religion shows that, since Calvinism lost its hold upon the New England mind, the fortitude and strength of its thought has gradually decreased. The old Puritan theology is unreadable to-day, but it never lacked fiber and nerve, and had the period been one in which pure literature could have flourished, the strongest and

best literature would have been the result. Webster grew to manhood under that old dispensation. Calvinistic Dr. Hopkins of Newport set Channing to thinking when only a boy. The decrees of God had to be explained to the mind and obtain the assent of the will. The robust pulpit helped to train robust men, and, outside of pure literature, many great thinkers of to-day—Peabody, Woolsey, Parks, Hickok, Shedd, Mark Hopkins, and others—received their mental direction in this quarter. The New England statesmen and theologians of the first half of the century were bred under the sledge-hammer logic of the earlier system, and got their vitality as thinkers from this source. But since that day of strength, the old Puritanism has lost its power in the successive disintegrations of belief, and the latest development is pessimism among thinking men, and something worse than pessimism among those who do not know how to think.

These changes may also be distinctly traced in literature. They are the atmosphere in which literature lives. Writers of prose or poetry obtain no hearing, unless they express what is vital and personal in the thought of the people. This points to the reason why American literature came to a pause at the close of the civil war. We have never had a school of American letters. So long as religious thinking had dignity and character, its influence was felt in political and theological writing; but, if we except Cooper, Emerson, and Whittier, no American author of the elder period can be said to have grown out of American soil, and made his way to fame with the marks of the soil upon him. The prominent writers now ending their careers can hardly be called American authors. With very few exceptions, there is nothing characteristically American about them. Bancroft, with an American subject, follows Gibbon, *longo intervallo*. Irving is the American Goldsmith. Ticknor, Prescott, and Motley, proud as we are of them, always wrote for English readers. Parkman is the only historian who has been distinctly American in his subject and in its treatment. Longfellow is American in "Miles Standish" and "Evangeline," especially so in "Hiawatha"; but Percival years ago detected the European flavor of his earlier poetry. "Hiawatha," far more than "Evangeline" and "Miles Standish," is an American poem, and shows the author at his best. It has Emerson's merit of sincerity. The author does not go to Europe. The great defect of our literature has been its insincerity. This was felt by Richard H. Dana, as long ago as when

he was editor of this REVIEW, and attempted to cast out Pope and similar tricksters of style from Harvard and organize an American school of letters upon the basis of a spiritual philosophy. Dana's volumes indicated the higher direction for American literature. They are imaginative and thoughtful, in the best sense. Emerson and Hawthorne, widely different in mental constitution, brought original force into literature. Whittier has left a definite mark; Lowell has a secure place. These men were sincere in their art and in their religion. They had a work to do, and went straight to the doing of it. It was chiefly in the transcendental period that our literature reached absolute sincerity of expression, and responded to the convictions of the people. When the civil war was over, literary exhaustion followed upon political exhaustion, and the time for creative work had gone by. It is more and more evident that the end of the war was the close of the old period, and that between then and now has come the time of pause. The old men are now dreaming away their lives; but the young men have not yet seen visions.

This is an analysis of the decay of New England thought as exhibited in literature and life. But the political development has not been treated; the forces of heredity have not been discussed; the influence of the scientific method upon the pietism of the orthodox or the sentimentalism of the liberals has not been traced. The historic forces have been followed in two lines, but these almost include the others. The changes in religious belief are fundamental in society, and give direction to life, while the developments of literature follow the ethical trend and organize the conceptions of the people at large. If this analysis is correct, the decay of New England literature and religion is due to causes which are always operative. The permanence of any literature is in proportion to its depth in the soil. It is rightly said that a distinctive American literature scarcely yet exists. Our writers have not met the conditions of its existence. Their productions have been raw and ephemeral. Webster and Seward and Sumner are the only names one can mention in earlier political literature. In theology there is not a name after Channing's that has any vitality in it. In philosophy there is nothing. In literature it is quite uncertain who among the fathers will be read by the next generation, and it is a thankless task to draw a line between the living and the dead. The common judgment sends many an author to his grave before he is dead. Literature

fails when it is divorced from the interpretation of life, and religion fails when it is divorced in Christendom from catholic tradition. In these respects literature and religion have both failed in New England, and the time has come when the failure is plain to every thoughtful mind. It is confessed because it can no longer be denied, and the causes are as open as the fact. Failure was inevitable from the beginning. It came because neither literature nor religion has done the full work assigned to it in the development of national life. But failure is not defeat, and the darkest hour is not far from the dawn of the new day.

In forecasting the future, it must be conceded that the strength which has gone into theology, philosophy, and literature is enormously disproportionate to that which has gone into affairs. This is one reason for the present dearth of leading men of thought. There is no one to succeed Professor Park among the younger men of the body to which he belongs, and there is not the ghost of a sign that any deep thinking is going on in the evangelical organizations associated with it. The field is a vast, dreary something—God only knows what, and the agnostic field, if the men like John Fiske now applying themselves to resolute thinking be excepted, gives little ground for hope. There must be the organizing force of a spiritual philosophy behind the activities of life if American literature is to contain the elements of power. As Lessing gave direction to thinking in Germany and prepared the way for Goethe and Schiller, so the thinking in America must become spiritual and personal before literary work in any large and high sense can be produced. The philosophical thinking with us has been chiefly confined to President Marsh and Dr. Hickok. President Porter is an excellent critic of philosophy, but, like Henry James, discusses the systems of others when he ought to be developing his own. Dr. Bushnell set up for a philosophical theologian, but had the fatal peculiarity of leaving off in his thinking where he ought to have begun. He has added nothing to American thought. The great need in New England to-day is the organization of religious thought upon a catholic basis. The organization of thought precedes the direction of life. The Puritan party, with all its successive degenerations into manifold individualism, needs this historical and catholic basis, joined with the largest openness to what is best in modern thought, if its strong personality is ever to unite, as once it was united in England, with the great

historical institutions by which society is maintained and individuals are built up into freedom and righteousness. This does not mean so much a return to the old ecclesiasticism as a return to positive and spiritual thinking—a return to the broad and honest convictions of all sensible men. The force that has come from Calvinism has failed to organize religious institutions, and does not contain the historical elements on which they must always be based. It is at this point that the reconstruction of our thinking begins. The reconstruction has to do with theology, with philosophy, with literature, and with art. The new and vital statement which reconciles the age with the truth it is searching for is the old catholic belief, explained by the spiritual philosophy which is its counterpart. This is the restoration of the long-lost key to New England thought—the key without which there can be neither breadth nor strength in theology, philosophy, or literature. It is here that Dr. Mulford's "Republic of God," one of the most organizing and directive books of the century, meets the movement toward the reconstruction of religious and philosophical thought. It marks the first time, since the great Puritans were in power, that a positive basis has been found in spiritual philosophy for the thinking of the age, and it is the emphasis of this new ethical intention, furnished by theology and philosophy, which finds unconscious expression in all that is best in literature and art. William T. Harris and his associates, in introducing Hegelianism into New England thought through the Concord school of philosophy, are broadening and deepening the basis of our thinking. The younger men at Harvard are working out the problems of philosophy anew. Perhaps there never was a time in the history of New England, or of the country, when so many men of the first ability were working their way, silently and alone, toward a constructive and philosophical basis for the revelation of the Christ as now. They do not write books, but the process of thought is constant and manifold. The literary movement, if behind the religious questionings, is more and more American, more and more something sincere and inevitable. The artists are obedient to the same law of development. The nation only awaits a better religious settlement to prepare the way for a better, richer, broader, more characteristic literary development than has yet been reached. The new literature, the new spirit, must come through fresh conviction, through wider sympathies, through a

deeper sense of the eternal in daily life. The conviction of the personality of God as the groundwork of the personality of man leads the way to the religious settlement, and organizes men upon the basis of universal truth. The larger sense of ethical relations awakens a new interest in current thought and life. The ethical sense in literature and art is found in that loyalty to truth which develops the power to express it; and in literature the highest aim is reached when it is identical with all the interests of life. These are the directions of the new epoch now beginning, and are the earnest of the future.

JULIUS H. WARD.

GHOST-SEEING.*

"Wir sind so klug und dennoch spukt's in Tegel."—*Faust.*

Is THERE within the bounds of nature, perceptible to mortal sense, the reality of what is intended by the word "ghost"? Or is all reputed ghost-seeing pure hallucination on the part of the seer?

The question, notwithstanding belief in ghosts is as old as human history, still awaits an authoritative answer. It still divides the opinions alike of the thinking and the unthinking—some affirming on the ground of experience or credible testimony, others denying on the ground of alleged improbability or impossibility. The one-sided culture of physical science is swift to reject whatever eludes material tests, complacently resolving into temporary suspension of reason the professed experience of witnesses whose mental sanity is otherwise allowed to be unimpeachable.

*1. Zauberbibliothek. 6 Theile. Von Georg Conrad Horst. Mainz. 1821–26.

2. Artemidori Daldiani et Achmetis Sercimi F. Oneirocritica. Lutetiæ. 1603.

3. Arthur Schopenhauer. Parerga und Paralipomena. "Geistersehen und was damit zusammenhängt." Berlin. 1862.

4. Hallucinations, etc. By A. Brierre de Boismont. Philadelphia. 1853.

5. The Philosophy of Apparitions. By Samuel Hibbert. Edinburgh. 1824.

6. The Night-side of Nature; or, Ghosts and Ghost-seers. By Catherine Crowe. New York. 1850.

7. Visions: A Study of False Sight. By Edward H. Clarke, M. D. Boston. 1878.

8. Footfalls on the Boundary of Another World. By Robert Dale Owen. Philadelphia. 1860.

9. The Seeress of Prevorst. By Justinus Kerner. From the German. By Mrs. Crowe. New York. 1856.

The aversion of science to this class of phenomena is due to the prevalent assumption of a supernatural origin. Call them supernatural and you shut them out from the field of scientific inquiry, whose limits are the bounds of nature. Let us at once discard this phrase as impertinent and misleading. With what there may be outside of nature, we have nothing to do in this connection. If nature means anything, it means the all of finite being. The question is: Are ghosts a part of that all, subject to nature's method and rule? Grant the affirmative, and you encounter difficulties which seem to the understanding insurmountable. Assume the negative, and you are affronted by a mass of testimony which no sane philosophy can afford to despise —testimony reaching back to remotest time. When the author of the book of Job makes Eliphaz the Temanite say: "A spirit passed before my face, the hair of my flesh stood up; I could not discern the form [that is, the outlines] thereof, an image was before me"—he voices the experience of countless ghost-seers from that time to this. Pliny the younger, writing more than a thousand years later to his friend Sura, asks his opinion about ghosts, and tells a story of a haunted house at Athens which reads precisely like one of the narratives of Jung Stilling or Mrs. Crowe.

However the learned may decide the question,—ghosts or no ghosts in *foro scientiæ*,—ghost-*seeing*, explain it as we may, is a fact about which there is no dispute. It is of this, in some of its phases, that I propose to speak.

I begin with the nearest, the phenomena of dreams. Dreaming is a kind of ghost-seeing, a beholding of phantoms, personal and impersonal, of forms and faces, human or bestial, animate or inanimate. "I saw," people say when relating their dreams. The objects are phantasmal, but the seeing is actual. We call it seeing with "the mind's eye" when the object seen is not materially present. But in fact it is only through the mind that we see at all, in the sense of perceiving. No physiologist can explain the connection between the image on the retina and the act of perception. In waking vision as well as in dreaming, it is the mind that perceives, constructing from notices furnished by the eye, in accordance with certain categories of the understanding, the object perceived. What the eye reports is not the object perceived by the mind, but only the motive and occasion of the vision. Images may be painted on the retina when nothing cor-

responding with those images is seen by the mind, because the mind in a fit of abstraction is seeing something else. "Her eyes are open," says the doctor in "Macbeth." "Ay! but their sense is shut."

The presence of an external object is not an indispensable condition of seeing; the sensation so termed may be induced by the independent, spontaneous action of the mind. We see in our dreams as truly as in our waking experience, or what we call waking. For, after all, who knows what waking is, except as contrasted with our nightly sleep, or how far we are really awake when we seem to be so? Shakespeare may have written more truly than he knew, or than we interpret him, when he made the old magician say, "We are such stuff as dreams are made of." I can imagine a waking out of this chronic somnambulism of our life which shall show us the reality of what we now see only the symbol and the shadow.

Dreaming, like waking, is a thing of degrees. Our ordinary dreams are a meaningless play of phantasms for which we see no cause, and care too little to seek one. A confused rabble of incongruous images drives across the field of our vision like the "wild hunt" of German folk-lore, and leaves no distinct impression on the mind. Dreams of this sort—and they constitute the larger part of our dreaming—are due to imperfect sleep—sleep in which the state of the body, and the action upon us of the world without, prevent the entire seclusion and free action of the soul. The brain is still active, but no longer retains its gubernatorial office; it lets go the helm, and mental life drifts. In perfect sleep, the senses are shut to all external impressions, and the soul, which knows no sleep, disencumbered and freed from the thralldom of sense, inhabits and fashions its own world. The dreams which occur in that state have a staid, consequential character; they mean something, had we only the key to their right interpretation. Such dreams are not very common. For although the soul must be supposed to be always active in sleep, yet, in order that its action may give us dreams, it must report itself in the brain; and whether, and how distinctly, it shall do so in any case, must depend on the idiosyncrasy of the individual. Then, again, supposing the soul's nocturnal experience to report itself in the brain, there is still another condition of dreaming, to wit, that the record present itself to our consciousness on waking. For a dream which we are not aware of having had is no dream.

And that encounter of our consciousness with the night record depends on the manner of our waking. If the transition from deep sleep to broad waking is gradual, the passage through that antechamber and limbo of the mind is likely to prove a baptism of oblivion. But let a man be suddenly awakened out of a deep sleep, and always, I believe, he will be aware of having dreamed. He will catch the vanishing trail of a vision if he does not recover the whole. That which wakes him will be apt to mingle in some way with the dream, and constitute one of its moments. For, be it observed, no dream is complete—they are all fragments, episodes to some unknown method and epic of the soul.

The soul has methods of her own, and converses on her own account with the invisible world—a converse independent of place and time. She has visions not only of what is but of what is to be. Hence dreams are sometimes prophetic, either in the way of distinct annunciation, as the elder Africanus, in the "Somnium Scipionis," foretells to the younger his coming fortunes; or in the way of allegory, as Pharaoh's dream of the seven fat kine and the seven lean kine foreshadowed, according to Joseph's interpretation, so many years of plenty and so many of famine.

An instance of allegorical dreaming is recorded by Goethe as happening to his maternal grandfather, Textor, portending his promotion to a seat in the Senate. He saw himself in his customary place in the Common Council, when, suddenly, one of the aldermen, then in perfect health, rose from his chair on the elevated platform occupied by that board, and courteously beckoned to him to take the vacant seat. This man soon after died in a fit of apoplexy; a successor, as usual, was chosen by lot from the lower board, and the lot fell to Textor.

A third class of prophetic dreams are those in which coming events are neither foretold in words nor allegorically foreshadowed, but seen by the dreamer as actually occurring. Such dreams are styled by Artemidorus* "theorematic." Mrs. Crowe, in her "Night-side of Nature," records a dream of this sort, relating to Major André, of tragic fame. When André, on a visit to friends in Derbyshire, before his embarkation for America, was introduced to a certain Mr. Cummington, that gentleman recognized in him the original of the countenance of a man

* Oneirocritica, Lib. I., Cap. 2.

whom he had seen, in a dream, arrested in the midst of a forest, and afterward hung on a gallows.

Schopenhauer relates an instance from his own experience. He had emptied his inkstand by mistake instead of the sand-box on a freshly written page. The ink flowed down upon the floor, and the chamber-maid was summoned to wipe it up. While doing so, she remarked that she had dreamed the night before of wiping up ink from the floor of that room. When Schopenhauer questioned her statement, she referred him to the maid who had slept with her, and to whom she had related the dream on awaking. He called the other maid, and before she could communicate with her fellow-servant, asked her: "What did that girl dream of last night?" "I don't know." "Yes, you do; she told you her dream in the morning." "Oh, I remember. She told me she dreamed of wiping up ink in your library."

Dreams like this, too trivial to be recorded, and seldom remembered, are psychologically valuable, as tending to prove that the soul is essentially clairvoyant. When not impeded and overpowered by the action of the senses and the exigencies of the waking life, it seems to be taken up into union with the universal spirit, to which there is no here nor there, no now nor then, and to have sight not only of what is, but of what has been, and of what is to be. These categories of past, present, and future, which determine the action of the finite mind, have no existence for the infinite. To that all place is here, and all history now.

This view of prophetic dreaming, familiar to modern psychologists, is by no means new. Socrates, in the Phædon, declares that true vision comes to the soul when detached from the body. Quintus, in Cicero's "De Divinatione," says: "The soul* flourishes in sleep, freed from the senses and all impeding cares, while the body lies supine, as if dead. And because this soul has lived from all eternity, and has been conversant with innumerable souls, it sees all things in nature."†

And again: "When the soul in sleep is screened from companionship and the contagion of the body, it remembers the past, discerns the present, foresees the future. Much more will it do this after death, when it shall have altogether departed from the

* The word is *animus*, which, though usually rendered mind, is evidently, in this connection, equivalent to what we call soul.

† "De Divinat.," Lib. I. 51.

body. Hence, at the approach of death, its divining power is greatly increased."* "The dying behold the images of the dead." Posidonius, of Apamea, he tells us, supposes three ways by which the soul may have prescience of the future: first, by its own nature, as related to Godhead; second, by reading the truth in other immortal souls, of which the air is full; third, by direct converse of Deity with the soul in sleep.†

The soul, when sleep is perfect, has visions independent of time and place, seeing as present what to the waking subject is future. Whether or not the vision shall be transmitted to the brain, and there brought to consciousness, depends on organic conditions which are found in some subjects and not in others. When thus transmitted it takes the form of a dream—it may be allegoric, or it may be theorematic. And such dreams are prophetic, fatidic. When, on the other hand, a vision of impending calamity, for want of the requisite conditions, fails to formulate itself as dream in the brain, it induces, according to Schopenhauer, that vague, uneasy foreboding of evil which we call presentiment. A presentiment, then, is an abortive vision.

Nearly related to the class of dreams which I have designated as theorematic is the kind of vision which takes the name of deuteroskopy, or second-sight, and constitutes a more advanced stage of ghost-seeing.

Second-sight is dreaming without the accompaniment of sleep. The soul involuntarily passes into the same state of abstraction which it experiences in deep sleep, and has visions which it communicates to the brain, whereby the seer beholds, as with his bodily eyes, things distant in space, and it may be in time, as if they were present realities. Dion Cassius and Philostratus both relate that Apollonius of Tyana beheld at Ephesus, while talking with his disciples, the assassination of the Emperor Domitian, which was then occurring in Rome. The life of Apollonius contains many incredible things, but this vision has, for those who are not predetermined against everything of the sort, an air of likelihood, from the close resemblance which it bears to modern reputed cases of second-sight. It is hard to believe that all the stories, so widely diffused and so strongly vouched, of similar visions are forgeries. But incredulity, in seeking to evade a marvel, often embraces a greater.

* Ib. Lib. I. 30. † Ib.

Swedenborg, conversing with friends at Gottenburg, is said to have been arrested in his speech, precisely as Apollonius was, by the vision of a fire then raging at Stockholm, a distance of nearly three hundred miles. No fact in Swedenborg's life is better attested. Such things do not admit of absolute demonstration, and there are minds so constituted as to be incapable of receiving anything of which the understanding cannot detect the method and the law. Incredulity in such matters is commonly regarded as the mark of a strong understanding. If so, a strong understanding is not the highest type of mind. The fact is, it is oftener the will than the understanding which refuses credit to spiritual marvels.

Second-sight, it will be observed, is not vaticination; it is not a foretelling of the future on the ground of the present, not a reading of probabilities, but a vision which *happens* to the seer —perhaps is forced upon him when not thinking of the subject, but engaged with something else. Dr. Johnson, in his account of a journey to the Hebrides, thus describes it. "The second-sight is an impression made either by the mind upon the eye, or by the eye upon the mind, by which things distant or future are perceived and seen as if they were present. A man on a journey, far from home, falls from his horse; another, who is perhaps at work about the house, sees him bleeding on the ground, commonly with a landscape of the place where the accident befalls him."

The dear Doctor reserves his decision as to the authenticity of these phenomena. "There is against it," he says, "the seeming analogy of things confusedly seen and little understood; and for it the indistinct cry of national persuasion, which, perhaps, may be resolved at last into prejudice and tradition. I could never advance my curiosity to conviction, but came away at last only willing to believe."

A case of second-sight not unlike the visions of the Highland seers occurs in Homer's "Odyssey," where Theoklymenos, at a feast of Penelope's suitors, sees them already suffering the vengeance which awaits them.*

To the same category has been assigned the celebrated vision of Cazotte, regarding the Reign of Terror in France, of which he himself was a victim. If authentic, it is certainly the most

* εἰδώλων δὲ πλέον πρόθυρον πλείη δὲ καὶ αὐλή,
ἱέμένων Ἐρεβόσδε ὑπὸ ζόφον.

astounding example of prevision on record. We have it on the authority of La Harpe, who, it seems, did not himself give it to the press. It was found among his papers, and published after his death. De Boismont says it can only be received with hesitation, though vouched by Madame de Genlis and Madame la Comtesse de Beauharnais. For my own part, I incline to believe that Cazotte did utter in La Harpe's presence the substance of the prophecy ascribed to him, but that La Harpe, writing from recollection, after the events predicted, unintentionally mingled details of what happened with what he heard.

We come now to ghost-seeing in the narrower and commonly received sense of the term, distinguished from second-sight by greater immediateness of vision in the seer, and a more defined personality in the object. In second-sight the objects are seen as in a picture, but here they are seen as material objects appear to the waking eye.

Foremost in this class are the hallucinations caused by disease, and universally recognized as such, the phantoms evoked by *mania a potu*, and the often-cited spectral affliction of the German Nicolai. Poor Nicolai is pilloried by Goethe in the "Walpurgisnacht," where he figures as "Proktophantasmist," with a broad allusion to the leech-cure prescribed by his physician. Scarcely he deserved that punishment, already sufficiently punished by the irony of fate, which doomed the great champion of rationalism, the doughty denier of ghosts, to be visited by troops of ghosts in broad day for successive weeks. The case is important as proving that sight is not dependent on external impressions. It is false to say, in such cases, that the subject "imagines" that he sees. He does see, as truly as I see the paper on which I am writing, though not by images painted on the retina. Through the eye alone we see nothing but color and motion. All perception is an act of the understanding; and in the cases we are considering, it is the understanding that distinguishes between phantom and objective reality. The maniac confuses the one with the other. The visual sensation is the same; the eye perceives no difference. The specter-stricken lady mentioned by Dr. Clarke* was obliged to "thrust her fan into the specter" occupying the chair appointed for her at a dinner party, to assure herself that a phantom, and not a being of flesh and blood, had usurped her seat.

* "Visions," p. 24.

Speaking of ghosts at a feast, it seems to me a great mistake, in the representations of "Macbeth" on the stage, to make a real body sit for Banquo's ghost in the royal chair. He enters, treads the stage, and takes his seat like an ordinary living person; no power of make-believe can show him other. A good actor, gazing at vacancy, may easily seem to envisage something invisible to the rest of the company. That something vanishes when the usurper resolutely claims his seat.

"Why so,—being gone, I am a man again."

We have examples of ghost-hearing, of ghosts that present no visible image, but address themselves to the ear alone.

Captain Rogers, commander of a ship called The Society, bound to Virginia in 1664, while asleep in his cabin, dreamed that some one pulled him by the arm, calling to him to get up and look out for the safety of the ship. He was awakened by the dream, but paid no heed to the summons, and went to sleep again, when the warning was repeated. This happened several times, till at last, though aware of no danger, he turned out and went on deck. The wind was fair; a sounding taken a short time previous had shown a hundred fathoms. There seemed to be no ground for alarm, and he was about to turn in again when a voice from an invisible speaker said to him: "Heave the lead!" It was done, and eleven fathoms reported. "Heave again!" said the voice. Now it was seven fathoms. The captain immediately gave the order: "'Bout ship!" and by the time the order was executed the sounding was only four fathoms. Evidently the ship, on her former tack, would have soon run aground.*

Robert Dale Owen has recorded an amazing story of the rescue of a wrecked vessel off the Banks of Newfoundland by means of a timely apparition.† In 1828, the mate of a bark in that latitude, sitting in his state-room and working out his observation for the day, espies in the cabin some one whom he supposes to be the captain, writing on a slate. Going nearer, he discovers that it is not the captain nor any member of the bark's company. The captain is called, but the stranger has vanished. They examine the slate; on it is written, "Steer to the nor'west."

* Ennemoser's "History of Magic,"—appendix. Quoted by Mrs. Howitt from a work entitled "Signs before Death."

† "Footfalls," etc., "The Rescue," p. 333.

The wind permitting, curious to know what would come of it, they lay their course in that direction, ordering a sharp lookout from the mast-head. In a short time they come upon a vessel fast bound in ice, threatened with destruction; crew, officers, and passengers nearly famished. These are taken off by the bark, and in one of the passengers is seen the prototype of the writer on the slate, who had been lying in a profound sleep at the time when the stranger appeared in the cabin of the bark. This verifies what Sir John Lubbock says: that in dreaming the spirit seems to leave the body.

The peculiarity in this case, supposing the narrative authentic, is the want of a previous connection, and attraction arising therefrom, between the ghostly visitor and the mate of the bark. The case is as hard to classify as it is difficult of belief. The strongest argument for its authenticity is precisely its uniqueness in the annals of spectrology. It is simply too strange for fiction.

A careful study of the records of apparitions will show, I think, that such visitations most often occur in the hours of daylight, and not, according to popular superstition, at dead of night. And—what is very important—the best authenticated cases are those of living persons, or persons in *articulo mortis*, or recently departed, and not of persons long deceased.

Of Swedenborg's professed intercourse with the spirits of the departed I have never been able to satisfy myself how much, or whether aught, can be justly regarded as objective converse—as anything more than the seer's dream. The alleged tests, for example,—the reporting of what passed between the Princess Ulrica of Sweden and her brother, at their last interview before the death of the latter,—I cannot accept as complete demonstration. The princess herself, it seems, was not convinced. "How Herr von Swedenborg obtained his information I cannot guess, but I do not believe that he conversed with my departed brother."

Apparitions of the living, on temporary leave of absence from their bodies, present, if not a more credible, a more acceptable phenomenon.

That the soul of a living person possesses this power of disengaging itself for a time from the fleshly body and appearing at a distance by means of the more ethereal body which is proper to it, and a semblance of apparel with which it invests itself, is confidently assumed by pneumatologists. The theory of these

psychical outings explains the supposed fact of spectral apparitions, and was evidently framed for the purpose. Deep mutual sympathy between two widely separated individuals may, it is believed, bring this faculty into play when one of the parties in sore distress craves the other's presence and aid. Captain Meadows Taylor relates a vision which he had in India of a dearly beloved English lady whom he had hoped sometime to call his wife:

"One evening I was at the village of Dewar Kudea, after a long afternoon and evening march from Muktul. I lay down very weary; but the barking of village dogs, the baying of jackals, and over-fatigue and heat, prevented sleep. I was wide-awake and restless. Suddenly, for my tent-door was wide open, I saw the face and figure so familiar to me, but looking older, and with a sad and troubled expression. The dress was white and seemed covered with a profusion of lace, and glistened in the bright moonlight. The arms were stretched out, and a low, plaintive cry: 'Do not let me go! do not let me go!' reached me. I sprang forward, but the figure receded, growing fainter and fainter, till I could see it no longer; but the low, sad tones still sounded. . . . I wrote to my father. I wished to know whether there was any hope for me. He wrote back to me these words: 'Too late, my dear son; on the very day of the vision you describe to me, ——— was married.'"

Of this *actio in distans*, Schopenhauer claims that the intervening space between the agent and the object, whether full or void, has no influence whatever on the action; it is all one whether that space be the distance of an inch or of a billion Uranus-orbits. He supposes a nexus of beings which rests on a very different order—deeper, more original and immediate than that which has the laws of space, time, and causality for its basis; an order in which the first and most universal, because merely formal, laws of nature are no longer valid; in which time and space no longer separate individuals, and in which, accordingly, the individualization and isolation wrought by those forms no longer oppose impassable bounds to the communication of thought and the immediate influence of the will.

From the ghosts of the living we pass to the ghosts of the dead. If the soul before the cessation of animal life can act on distant objects and present an appearance to distant friends, it would, *a fortiori*, seem to possess this power when animal life is extinct, or on the eve of extinction. The records of apparitions of persons in *articulo mortis* are too numerous and too well

vouched to admit of reasonable doubt. Wieland, an inveterate skeptic on all points connected with a future life, admits the possibility of such apparitions, and gives an instance from his own knowledge, which he pronounces "indubitable, but incomprehensible and incredible."*

Differing from this in the circumstance that a day had elapsed between the death and the apparition is the case related by the aforenamed Meadows Taylor, among his Indian experiences. A soldier enters his captain's tent, and begs that the arrears of his pay may be sent to his mother in England. The captain, busy with his writing, takes down the address, and promises to fulfill the request. Shortly after, it occurs to him that the soldier had violated the rules of the service in entering the tent without saluting, and in his hospital dress. He summons his sergeant. "Why did you allow —— to come to me in that irregular manner?" The man was thunderstruck. "Sir," he exclaimed, "do not you remember he died yesterday in hospital, and was buried this morning?"

Narrations like this, though not to be received without reserve and careful weighing of the evidence on which they rest, are somewhat relieved of their incredibility by the supposition of an interval, greater or less, between the cessation of animal life and the entrance of the soul on its new career. If any living, thinking principle survives the ruin of the flesh, if there be a "soul," in the popular sense, that soul will be likely to retain, for a time, the sensibilities, and to feel the attractions of its old relations. The desire to benefit surviving friends can hardly be denied it. If this can only be done by a personal apparition, the appearing in familiar form will be simply a question of power to appear. I can as easily conceive the soul to be endowed with that power as I can conceive of psychical existence at all, dissevered from the animal body. But where the aim of the apparition is merely information—the communication of some important fact—it is not necessary to suppose an objective presence. The end may be accomplished by subjective impressions, by action on the mind of the individual to be informed—in other words, by a vision. And so I can suppose that the captain in the India service, in the anecdote just related, may have had a vision of the soldier, effected by the will of the latter acting on the mind, and through the mind on the senses, of the former. This explanation, it is

* Euthanasia. Drittes Gespräch.

evident, will not apply to cases in which the reputed apparition leaves a sensible token behind, as in that of the shipwrecked voyager who left his writing on the slate.

Of a different sort, and more difficult of belief, are objective apparitions of the long deceased. The improbability increases with the lapse of time. It would be unphilosophical to deny apodictically the possibility of such apparitions, but one may be pardoned for reserving assent to what, if true, perplexes one's view of the future state with added, insoluble difficulties. The reason for greater slowness of belief in this case than in that of the recently departed is the feeling that souls once thoroughly severed from the flesh, new-bodied and new-sphered, cannot quit their new sphere except by the way of new death. Were it not so,—if, conscious of a former existence and inspirited by its memories, departed friends and departed worthies could "revisit the glimpses of the moon," and make themselves manifest in earthly scenes to earthly sense,—then, assuredly, such visitations would be among the unquestioned and common events of life. But what are the hundreds or the thousands of recorded apparitions to the sumless millions of the dead? St. Augustine was confident that the dead could not return, for if they could, his sainted mother would have come to him with instruction and counsel and relief. The argument has weight; if one can return, why not others? Why not all? If the thing were not impossible, who can doubt that many longing souls would have experienced and established it beyond a question. Were there any sure path or passage, or way of communion with that dumb realm, who can doubt that human affection would have found it out? If the dead could come to us, how often would they not have been forced to come at the call of love? What spirit, endowed with human sensibilities, could resist that appeal if the way were open to hear and answer? We must either doubt that "*quæ cura fuit vivis eadem sequitur tellure repostos*," or conclude that the gates of the silent land open but one way.

Says Wordsworth's "Margaret":

> "I look for ghosts, but none will force
> Their way to me; 'tis falsely said
> That there was ever intercourse
> Between the living and the dead;
> For surely then I should have sight
> Of him I wait for day and night
> With love and longings infinite."

Modern sorcery, misnamed "spiritualism," professes to have opened the everlasting gates and to maintain free communication with departed souls; not with former acquaintance merely, but with any and all of the wise and good who figure in human history. The number of those who agree in this profession amounts to many thousands, its votaries say millions. Science has examined their pretensions, and pronounced them groundless; and because, here and there, it detected imposture, has rashly concluded that imposture and delusion are the only factors in the business—that all who engage in it are either knaves or fools.

Whether any of the phenomena of spiritism necessitate the supposition of unknown, intelligent agents, is a question I do not care to discuss. I will only remark that physical science can hardly be regarded as a trustworthy witness or a competent judge in a matter where the fundamental positions of the parties are antagonistic, where the method of the critic conflicts with the postulate conditions of the advocate, and where a hundred failures or detected impostures are not decisive against the whole class of phenomena in question. But as for pretended communications with defunct worthies, there is, in my judgment, no sufficient proof of anything authentic in this kind. The examples which have hitherto been offered confirm this judgment; and when the necromancers plead, as excuse for the platitudes of these utterances, that the communication is qualified by the "medium" through which it comes, they fail to perceive that this admission is fatal to their cause. When Wordsworth and Shakespeare are made to drivel, it is obvious that we have the mind of the "medium," and not the mind he is supposed to represent. For thirty years and more this sorcery has been in vogue, and not one ray of unquestionable light has been shed on that which it most concerns us to know of the future state. Granting the agency of spirits in some of its manifestations, the grand mistake of spiritism is the taking for granted that disembodied spirits are necessarily wiser and more knowing than spirits in the flesh. The more rational presumption is that the acting spirits in these experiments—spirits that have nothing better to do than to assist at table-tipping and other tricks for the entertainment of gaping marvel-mongers—have lost the little knowledge and the little sense they may have had when clothed with mortal bodies. Justinus Kerner, the most scientific and conscientious of modern pneumatologists, confirms this view. He

and others who have studied the subject with serious care agree with Plato, that only the souls of the brutal and depraved revisit the earth, and approach mortals with objective manifestations.

The question of ghosts, so far as it relates to the sensible manifestation of translated souls, is one which eludes the grasp of science. The negative is indemonstrable on physical grounds; and the affirmative can never, by individual testimony, be established in the common conviction of mankind.

That the spirits of the departed are near us in sympathy and trust, not unconscious of our doings and our fortunes, nor quite unable to help us, in our straits, with occult influences and unworded suggestions, it is pleasant to believe. That they can be cited and summoned at will, constrained to answer inquiries, brought to the witness-stand in a court of necromancers, cross-questioned by a "medium," pumped to amuse a prurient curiosity, is a notion abhorrent to all my conceptions of a future state, and seems a desecration of the reverend sanctities of the spirit-world. For aught I know to the contrary, there may be spirits in "the vasty deep," groveling, lost creatures, who aid and abet these fooleries; but, for my part, I wish to have nothing to do with these clowns of the pit.

There are mental experiences, mysterious, indefinable, which suggest the action upon us of conscious, intelligent powers—experiences which answer to the beautiful idea of spiritual guardianship, so rife in ages past. Who has not known them? Who has not experienced at times those sudden intuitions, impulses, new determinations of thought and will, whose advent could not be explained by association of ideas, as links in a chain of mental sequence, where the preceding involves the following, but which burst upon us like messages from the Unknown, interposing with a flash new births of the soul? Inspirations that shed exceeding day on the mind,—those inexplicable warnings that restrained us on the brink of danger, those swift fulgurations of hope that caught us tottering on the verge of despair, those sweet consolations welling up from the deep in our agony of grief,—who has not known them? How natural to suppose in them a spiritual influence streaming in upon us from without! If spirits may not visit us with those sensible approaches which make us

> "—— fools of nature
> So horridly to shake our dispositions
> With thoughts beyond the reaches of our souls,"

yet, granting the existence of spirits unfleshed, impalpable, there is nothing in reason that forbids the supposition of their proximity, of their ministering presence, of their quickening influence.

Who can believe that the limits of sense are the bounds of intelligent being? And out of that unseen world where science cannot reach, and which enfolds the visible as space encompasses sun and planet, who knows what strengths may come to feed and refresh this mortal life?

FREDERIC H. HEDGE.

FACTITIOUS HISTORY.

THE Government of the United States is so constructed that rebellion against it can never be justifiable. It not only springs from the people, but refers back all its powers to them at so frequent intervals that it can never misrepresent them or thwart their wishes so long as to make revolution preferable to endurance of the wrong. In two years we can change the whole House of Representatives; in four years we can change two thirds of the Senate; in four years we can elect a new President. More than this, if the President commits any flagrant violation of his trust, we can impeach him at once; and we can at any time change the Constitution in any respect save one.

The patience of the best people of the country, under wrongs that might have justified insurrection, if committed by an unchangeable government, has been several times exemplified. Perhaps the most notable instance of this was when they saw inaugurated and re-inaugurated as chief magistrate a man of violent temper, narrow mind, and domineering spirit, whose associations had been mainly with the worst elements of the population, and who was accused of eight murders, not to mention a duel in which he had been the challenger and had killed his antagonist. They saw him initiate a system of political spoils which has been the curse of the country ever since. They saw him plunge the business community into financial distress, because the managers of the United States Bank would not permit him to include its offices in the rewards that he distributed to his political friends. They saw him take the poor creature who had willingly been his instrument for this absolute work, when others had preferred the alternative of retiring from the Cabinet, and place him at the head of the Supreme Court, where he sat for twenty-seven years, and became noted for nothing but

his attempt to murder the manhood of an unfortunate race. They saw and endured all this, though protesting against it continually, demonstrated the sublime strength of patience, and bided their time. The power thus constitutionally established, it required a quarter of a century to overcome by constitutional means. And when at last this was accomplished, or partly accomplished, by the election of a President noted for the purity of his character, the keenness of his intellect, and the mildness of his political creed, a great insurrection burst upon us. When the office of chief magistrate was given to Andrew Jackson, and afterward to his political disciples, Polk, Pierce, and Buchanan, the friends of liberty endured it. When Abraham Lincoln was elected, the slave-holders rebelled.

That there should be a rebellion against such a government, by a portion of the people who had so long controlled its administration, and in the ordinary fluctuations of political power might hope to control it again, seems like a paradox. The explanation is, that though the insurrection of 1861 was in form a rebellion against the United States Government, it was in fact a rebellion against something else—against civilization itself. The Government had done all it could for the institution of slavery in the Southern States; but it could not check the growth of public opinion, or guard against the gradual enlightenment of the public conscience, or forestall the logical consequences of the great principles of liberty set forth in the Declaration of Independence. Above all, it could not abrogate the laws of political economy and prevent the streams of immigration from flowing toward those sections where free labor and free thought gave them welcome.

Of the pretexts urged to justify the attempt at secession, not one was true. Not only had Mr. Lincoln solemnly and officially declared his purpose not to interfere with the constitutional rights of the South, but the Congress elected at the same time presented a majority politically opposed to him. The Southern members had only to sit still in their seats, and the institution they were there to represent could have received no harm from the Government, whatever might have been the disposition of the chief magistrate. And again, if both President and Congress had been inimical to slavery, secession, so far from being a remedy for the difficulty, would have made it worse. The slave fleeing from his master, before he could reach absolute safety, must cross hundreds of miles of territory where he was liable to

recapture; but let the country be divided as proposed, and the liberty-line would have been brought down from the borders of Canada almost to the door of his cabin. It is impossible to believe that the leaders of the secession movement had so little forecast as not to perceive this; and if they did perceive it, peaceable secession could not have been their plan. There was no Gulf of Mexico on their northern border, no Atlantic Ocean on their western; if the Government had said, Go in peace, and they had gone in peace, a tub without a bottom might have held water as easily as the Confederacy could have held its slaves. War, then, was a necessary accompaniment of secession; and the secessionists meant to make it a war that should humiliate the North, and enable the victorious and glorified South to dictate the terms of separation and peace; the all-important articles being those which should secure to the Confederacy at least half of the unsettled Territories, and to the slave-holder the same privilege of pursuing his slaves across the free States that he had enjoyed under the Constitution, with perhaps an annual rendering of bills for losses by escapes, which the Northern Government must pay. If this failed, the plan that would naturally have presented itself next would be, to convert the great slave-republic into a virtual aristocracy; the slave-holders, of course, being the ruling class, the negroes (all free blacks being reduced to slavery) the laboring class, and the poor whites forming a standing army, officered by slave-holders' sons, to guard the borders and keep down insurrection. And war was not more necessary to the logic of secession than to the practical engineering of the scheme. Said Gilchrist, of Alabama, to Mr. Davis's Secretary of War, before the attack on Fort Sumter, "You must sprinkle blood in the faces of the people. If you delay two months, Alabama stays in the Union."

The great conspiracy failed because it depended upon a misconception of the Northern character and a miscalculation of chances with regard to foreign nations. It was believed that a few swift and brilliant victories would overcome a people unaccustomed to arms, whose long patience with the aggressions of the slave power had given some color to the assertion that they cared for nothing but trade, and were incapable of martial deeds.

How the manhood of the loyal States rose to the occasion, has been often told; but, so far as I am aware, no adequate reason has ever been assigned for England's failure to interfere, after it

had become evident that, without such interference, the Confederacy was doomed. Many of her people had never forgiven us for our own Revolution, the only successful rebellion ever waged against British authority; and it is not to be supposed that they would have felt any regret at seeing the great republic destroyed. The aristocratic classes were avowedly hostile; the mercantile classes hardly less so; and an eminent English historian, Freeman, made haste to publish, in 1862, the first volume of a "History of Federal Government, from the Foundation of the Achæan League to the Disruption of the United States." Probably the second volume will not appear till the disruption has taken place. To those who had been long accustomed to hear English reproaches on the subject of slavery, it was a singular spectacle, when the question was brought to a life-and-death struggle, to see so much of English sympathy and influence given to the slave-holders. But they were good customers, and England lives by trade. As she had armed the copper-colored savages against us in the Revolution and the war of 1812, so now she armed the rebels also—with the difference that the rebels paid in cash or cotton, instead of scalps. She drove a brisk trade in all the accouterments of an army. Every rebel who lay dead on the field of Antietam bore the advertisement of a Birmingham manufacturer on every button of his uniform. If the South had established its independence, England was sure of the free trade that she coveted; and, if she chose to interfere in behalf of that independence, the assistance of France had not only been offered, but urged upon her. But, on the other hand, there was a more powerful consideration than all these combined, and it seems improbable that her statesmen could have overlooked it.

By the Treaty of Paris, signed by the great powers of Europe in 1856, privateering was abolished. The lesser powers of Europe, and some of those on this continent, accepted the general invitation to join in the treaty. The United States Government offered to accept it and join in it on one condition: that a clause be inserted declaring that private property on the high seas, if not contraband of war, should be exempt from seizure by the public armed vessels of an enemy, as well as by private ones. The powers that originally made the treaty declined to make this amendment, and so our Government did not become a party to it. When the rebellion broke out, and Mr. Davis proclaimed the readiness of the rebel authorities to

issue letters of marque, our Government offered to accept the treaty without amendment; but England and France declined to permit us to become a party to it, if its provisions against privateering were to be understood as applying to the vessels sent out under authority of the Confederates. As this was Secretary Seward's sole object, of course the matter was dropped. The rebels were thus left at liberty to prey upon our commerce, but, at the same time, our Government was left at liberty to send out privateers against any power with which it might become involved in war. In this matter, Mr. Seward was not so unfortunate, nor Earl Russell so wise, as either of them may have supposed. By the refusal, England gained the privilege of sending out swift steamers under the rebel flag to destroy our shipping; but if she had assented, she would have gained an opportunity to ruin our country. When the war had reached its bloodiest stage, and Napoleon was urging England to join him in intervention, a very plausible pretext might have been made on the score of humanity. But it had now been demonstrated, by those very Anglo-rebel cruisers, what a tremendous power privateering could be made with the help of steam, and the British Government had been notified by ours that any further unfriendly acts on its part would be followed by immediate war. Think of such a war under such circumstances. The navies of France and England combined could not blockade the harbors of the New England coast, and from those harbors would have sailed a swarm of privateers that could have swept British commerce from every sea, and the British islands, teeming with a population much larger than their own soil can support, would have sent up the wail of famine like a beleaguered city.

Thus the Americans were left to fight out their own war to the bitter end—a contest in which the dramatic proprieties were curiously preserved. The side that fought for slavery, having all the advantages at the outset, boisterous over its victories, and boasting of its prowess, winning the admiration of short-sighted spectators, and apparently moving on to triumph when it was really rushing to its downfall, may be properly called the villain of the piece. The side that strove for liberty in its largest sense, and prosperity in its greatest possibilities, waking more slowly to the situation, and gathering up its giant strength under giant disadvantages, comes out at last the hero and the conqueror, but with mournful losses, and chief among them its great leader,

struck down in the hour of triumph, suggesting anew the mournful lesson that the redeemer's life must always be the price of redemption. Even the after-play of the conspirators quarreling among themselves has not been wanting.

The character of the contest, begun by the rebels upon false pretexts, was in keeping throughout. There was nothing heroic in their struggle, with the sole exception of their physical courage displayed on the battle-field—a quality which every writer on the subject has sufficiently acknowledged. Their boasts at the outset that one Southerner would prove equal to five Yankees, their repudiation of debts due to Northern creditors, their sending in flags of truce to reclaim fugitive slaves, their complaints at the non-interference of foreign powers, their ludicrous definition of chivalry, their falsified or suppressed reports of every important campaign, their carving of ornaments from the bones of their dead enemies, to be worn as jewelry by their sweethearts, the spitings and spittings of their women in captured cities, their taking of insincere oaths in order to draw rations from the United States commissariat, their preparation of preposterous school-books for exclusive use in the Confederacy,—all these things would justify us in pronouncing the "lost cause" the most vulgar known to history, were it not that the enormous bloodshed and deliberate atrocities—the destruction of nearly three hundred thousand loyal lives, the persecution and torture of the East Tennesseeans, the selling into slavery of free black men captured in battle, the systematic starving of prisoners at Andersonville, Florence, and Belle Isle, the massacre at Fort Pillow, the execution of North Carolinians, and the attempt to import yellow fever into Northern cities—demand a darker name, and overshadow the vulgarity with the hideousness of the stupendous crime.

There had been half a dozen insurrections in the United States before the great one, and it is a significant fact that in the case of every one that was directed against slavery—like Nat Turner's and John Brown's—the insurgents suffered the extreme penalty of the law, while in the case of all others—like Shays's rebellion, and Fries's, and the whisky war—they were either pardoned outright or only very mildly punished. The great rebellion, gotten up to extend and perpetuate the system by which one man eats his bread in the sweat of another man's face, followed the same law, and not a rebel of them all was hanged, save one

individual, who was executed for violating the laws of war. They who had never known how to forgive, were pardoned by wholesale; while they who had been persistently accused of hatred and malice, and every devilish motive imaginable, relinquished the opportunity of sending to the gallows insurgents who had committed the double offense of beginning war without a just cause, and continuing it without a reasonable prospect of success. Probably no other government on earth would have been so lenient. England had punished the last rebellion against her authority, only seven years before, by tying up the rebels in bundles and blowing them to fragments from the mouths of cannon; and since that period, France has been shooting Communists by platoons.

Hazardous as it may have seemed to let such an offense go by without putting a stigma upon it by executing the principal offenders, the nation could afford to be magnanimous if the rebels would learn to be modest. But when the short-lived political ban was removed from them, they began to look upon themselves as heroes, mistaking the nature of the leniency that had been shown them, and gradually there has grown up and perfected itself a sort of literary conspiracy, to glorify the achievement which they didn't achieve, to change the apparent motive of the war, to magnify the genius of the rebel generals, and belittle their conquerors—an endeavor to write into respectability the meanest of causes, and invest with a glamour of heroism the most inexcusable of crimes. This disposition first showed itself in the careful substitution of the term "civil war" instead of "rebellion," uniformly adopted by many standard publications to avoid offending any of their readers. It is true that it was a civil war, and we might generalize still more of its character out of sight by using the invention of a celebrated satirist, and calling it an "onpleasantnis." Specifically, it was a rebellion and nothing else. It never rose to the character of a revolution, for it never had possession of the capital or the public archives, never stopped the wheels of the Government for a single day, was suppressed in the end, and attained none of its objects. It is always good rhetoric, and generally good policy, to call things by the most specific name they will bear. Then came careful corrections of figures. The Confederate General So-and-so only had so many men at such a battle, instead of the larger number he has always been credited with, and only lost so many, while his

Federal antagonist had three times the number, and lost two and a half times as many as the records of the War Department say he did. Then, by some ingenious course of reasoning, a battle that has been scored as a victory for the national troops is shown to have been a sort of quiet triumph for the rebels. And this goes on till the reader wonders what became of all the men who were raked into the Confederate service by the wholesale conscriptions, and why the "cause" that won such a succession of victories was not finally successful. The atrocities of Andersonville were explained into nothingness long ago. The boys in blue lay on flowery beds of ease within that spacious and airy stockade, listening dreamily to the purl of the crystal brook that babbled at their feet, while the boys in gray at Elmira were suffering the tortures of the Inquisition. Lee, who never won an offensive battle, was the great general of the war. Grant was a blunderer—always blundering into success. General Sherman set fire to Columbia with his own hands, foolishly applying the torch before he had had any opportunity for plunder, while General Early burned his fingers in efforts to put out the fire at Chambersburg. General Butler stole all the silver spoons in New Orleans, but General Floyd was as honest as the day is long.

This literary conspiracy—which appears to have taken possession of the historical society at Richmond, and turned it into something like a bureau for the falsification of history—has culminated in the publication by Jefferson Davis of two large volumes, intended to set forth what he and his Confederacy tried to do for the cause of liberty, and how it happened that the powers of despotism defeated his beneficent plans.

Mr. Davis wishes his reader to give up the heretofore universal belief that the war was intended, on the part of the rebels, to perpetuate and strengthen the institution of human slavery, and conceive of it purely as a struggle for the abstract principle of State rights. As if an architect should tell us he was building an immense bridge over a broad and deep stream, at great cost of life and treasure, not because he wanted to carry any particular highway across at that point, but merely to illustrate a pet principle in architecture! Mr. Stephens, Vice-President of the Confederacy, could not have understood this, for in his celebrated Savannah speech of March 22, 1861, he said: "African slavery as it exists among us,—the proper *status* of the negro in our form of civilization—this was the immediate cause of the late

rupture and present revolution." "Its [the Confederacy's] foundations are laid, its corner-stone rests, upon the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and normal condition. This stone, which was rejected by the first builders, 'is become the chief stone of the corner' in our new edifice."

Mr. Davis covers a great many pages with an elaborate argument to prove that under the Constitution of the United States each State was sovereign and free to withdraw at will. To do this, he uses the trick of the ventriloquist, who constantly calls the attention of his audience to the object from which he wishes them to think the voice proceeds, and never so much as turns their eyes toward the quarter whence it does proceed. Mr. Davis iterates and reiterates that all powers not specifically surrendered to the General Government were reserved to the States; but it would not be consistent with his purpose to call attention to the fact that the powers which were thus specifically surrendered included every power essential to sovereignty,—such as the making of war and peace, the negotiation of treaties, the coining of money, levying of imposts, collection of revenue, etc. To be brief, a single article of the Constitution—Article V.—destroys the whole theory of State sovereignty at a blow. This article provides that the Constitution may be amended at any time by a vote of three fourths of the States. Imagine a treaty between sovereign powers, containing a clause stipulating that it might at any time be changed, and still be binding upon all, though one fourth of them should refuse consent to the change! If the States retained their sovereignty, that article must have read, that the Constitution could only be changed by their unanimous vote. It is a curious fact that in the Confederate Constitution (closely copied in most respects after our own) this article was made still more destructive of State sovereignty, for there but a two-third vote was required for amendment. Under the United States Constitution, it was necessary to obtain a vote of three fourths of the States to coerce the other fourth into the acceptance of amendments which they did not approve, but under the Confederate it was only necessary to obtain a vote of two thirds in order to coerce the other third. And in either case the amendments might be anything, provided only that they did not affect the composition of the Senate. Mr. Davis lays great stress upon the fact—and makes needlessly copious citations to prove it—

that the States ratified the Constitution *as States*. By the same logic he might reason that because he surrendered to the national troops *as Jefferson Davis*, and not as Mrs. Davis's poor old mother going to the spring for water, therefore he was not a prisoner.

He elaborates his argument still further to show that sovereignty resides not even in the State governments, but in the people of each State in their collective capacity. How little the rebels really respected the rights of the States, may be seen by a glance at the case of Virginia. On the 4th of April the Convention of that State refused, by a vote of 89 to 45, to pass an ordinance of secession; on the 17th it passed such an ordinance, 88 to 55. Two things had happened in the mean time: Sumter had been fired upon, to sprinkle blood in their faces, as Gilchrist advised, and the Confederate Congress at Montgomery had passed an act forbidding the importation of slaves from States outside of the Confederacy, which would have been a death-blow to Virginia's business of breeding slaves for the cotton States. It was provided that the ordinance should not take effect till approved by a vote of the people, but the day fixed for the election was the last Thursday of May, six weeks after the action of the Convention! Long before that day arrived, the soil of the Old Dominion was overrun by soldiers from the cotton States, and any free expression of the wishes of the people was impossible. More than that, immediately after the passage of the ordinance by the Convention, without any pretense of waiting to see whether the people would ratify it, the State Government placed all her military resources at the service of the Confederate Government, and Mr. Davis, as the head of that government, accepted them and used them. What did he care for the sovereignty that resided in the people of Virginia? As Farragut remarked, and he was there at the time, she was "dragooned out of the Union." It fared little better with the people of some of the other seceding States; in fact, the only one in which there was an honest submission of the ordinance to popular vote was Texas.

The ex-President of the ex-Confederacy sets out to make a very complete case, not only proving that the Southern people had a clear right to secede, but that they were so harassed and persecuted they could not do otherwise, and that the whole war was one grand triumph of Confederate valor, skill, and humanity, as opposed to Northern cowardice, ignorance, and barbarism, except in the one little item of its final result. His book is pretty large,

but one wishes it might have been a little larger, so that in many instances where he sets forth one of a pair of facts he would not have been compelled, for want of space, to omit all mention of the other. For instance, he complains that before the war a Southern man could not travel in the North with his peculiar property, but says nothing of the other fact that at the same time a Northern man could not travel in the South with his opinions; that the mildest treatment there prescribed for man or woman suspected of entertaining abolition sentiments, was a notification to leave the State within twenty-four hours.

He tells us that large numbers of men from the Eastern States went to Kansas with rifles in their hands, furnished to them by ministers of the gospel and other wicked people. He does not tell us that these men were actual settlers, who had come there to establish their homes, and that other men were there with rifles in their hands, who were not settlers, but had only crossed the Missouri border to take charge of the elections.

He lays considerable stress on the fact, which he mentions several times, that the slave-trade was abolished by Southern votes and influence; but no reader who drew his information from this book alone would guess that this action of the South sprang not from any humane motives, but was merely a protection to home industry. Importation of slaves from Africa was a detriment to the slave-breeders of Virginia and Kentucky.

He complains that California was given to the free States, representing it as the entire avails of the war with Mexico. But that war resulted from the annexation of Texas—which, by the way, had been accomplished by a piece of Calhoun's trickery, merely on the strength of a joint resolution; the Senate having refused to make a treaty. A fair statement would be, that the avails of the Mexican war were Texas and California, one of which was given to the slave States and the other to the free.

Coming down to the war and its incidents, of course Mr. Davis is horrified at the conduct of General Butler in New Orleans, though he does not tell us which of his repressive measures he most abhors, his repression of the turbulent women by the famous Order 28, or his repression of the yellow fever by cleaning the city. To make his monstrousness appear the more monstrous, Mr. Davis briefly sketches the history of New Orleans, to show us what a quiet, orderly, peaceable city she was, and assures us that "no people were more characterized by refinement, courtesy, and

chivalry." Probably he never heard that in May, 1861, Mrs. Sarah Sanford, a native of Connecticut, employed as teacher in a grammar school in New Orleans, was taken by a mob to Lafayette Square, and there stripped naked and tarred and feathered, because she had expressed her belief that slavery was morally wrong, while an immense crowd of these refined and chivalrous people looked on and applauded the proceeding.

The voluble ex-President has considerably swollen the size of his book with praises of individual generals and of the Southern soldiery. His favorite adjective for the generals seems to be "knightly." How knightly one of his heroes, Stonewall Jackson, really was, may be gathered from the narrative of Pollard, the Southern historian. That writer tells us that "once an inferior officer was regretting that some Federal soldiers had been killed in a display of extraordinary courage, when they might as readily have been captured. Jackson replied curtly: 'Shoot them all; I don't want them to be brave!'" In striking and suggestive contrast with this was the exclamation of the "Albany Journal," edited by Thurlow Weed, when the news came that Jackson himself was killed: "We hoped for his capture, not his death." Mr. Davis's tributes to the soldiers in gray—for devotion to the "cause" and superiority to the national troops—are frequent and emphatic. Pollard tells us that "in the midsummer of 1863, it was estimated that a half or three fourths of the Confederate forces were in the condition of desertion, straggling, and absenteeism; and ten thousand fraudulent substitute papers had been discovered in the archives of conscription."

Mr. Davis makes especially thorough work with everything that concerns himself personally, including his relations with various generals, against some of whom he evidently still entertains the prejudices that caused him to set them aside during the war, and put less able men in their places. He even explains the story of his capture in female garments—his version, by the way, not agreeing with that of his staff officer, Lieutenant Stuart, heretofore put forward as the authoritative one. It is difficult to see why that affair should require so much explanation. If Mr. Davis was the incarnation of a great and sacred political principle, which might yet survive the wreck of the Confederacy, he was justified in adopting any disguise that would serve the purpose of his preservation; if he was making his way to the coast simply to escape, with his own miserable life, from a

land that his teachings and his conspiracy had filled with graves and covered with mourning, fearing either an enemy he had professed to despise or an unhappy people he had led to ruin, what can it matter whether he was disguised as a woman or disguised as a man?

The remark that the time has not yet come for writing the history of the rebellion, so often repeated by unthinking critics, is a profound mistake. Certain inessential accuracies may be secured by waiting. But the question whether a few men more or less fell in this or that battle; whether, on a certain occasion, a certain detachment was ten miles away, or fifteen, is of little consequence in comparison with the great questions: What were the causes, what the animus of the war, how was it carried on, and what is its significance as a chapter of history? These things are being rapidly clouded over by the contributions of men who were on the wrong side; who have found out, at last, that the civilized world looks upon the holding of slaves, the starving of prisoners, and the fighting of hopeless campaigns, as stupendous crimes. When the chasm yawns in the forum, it never closes till the nation's choicest treasure has been cast therein. Three hundred thousand of the best men that ever lived went down to death in mid-manhood, rather than see the young republic perish. The field is theirs, for they won it; and it will be a ghastly solecism if the philosophy of their inspiration and the records of their valor are to be at the mercy of the same murderous hands that sent them to the grave. The events that led up to that war, and the operations of the war itself, were so vast and complicated that, if the telling of its story be left to a future historian, who must dig all his information out of documents and conflicting treatises, it is doubtful if any one life-time will be sufficient for the task. From somebody who was living at the time, and therefore need not stumble in the dark over cunningly constructed falsehoods; who was a witness of many of those strange circumstances which the ordinary historian, writing of antiquity, rejects or throws doubt upon because they are strange,—from such an author, founding his narrative on the simple truth, and not anxious to win anybody's cheap applause by making the right and wrong to appear equally balanced on either side, should come the complete story of the great war.

ROSSITER JOHNSON.

THE

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Tros Tyriusque mihi nullo discrimine agetur.

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NORTH AMERICAN REVIEW.

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SOME DANGEROUS QUESTIONS.

THE Government of the United States is beset with many unsettled questions of the gravest importance, relating to the laws of its organization. The Constitution is not free from such questions, and the Statutes abound with them. The present seems to be a favorable time for considering the defects in our system, some of which have repeatedly involved the country in great perils.

The people of the United States have been cautioned and admonished, in every way that experience can give instruction, that, if they would preserve the form and essence of their republican Federal Government, they must now begin the work of repairing its defects and providing for its future safety.

Since 1860,—not to go back to earlier times,—the history of the United States has been so crowded with events, any of which would have endangered the strongest and most firmly established government of the world, that the mind stands balanced in conjecture as to whether we have escaped destruction by superhuman aid or through the saving power of the love that the people have for their Government, with which they have borne it up above every threatened danger.

But, to whatever power we are indebted for our safety in the tempests of civil war and political strife through which we have

passed, and for the precious opportunity of considering the present and the future in the security of peace with all men and nations, and in the midst of unparalleled prosperity, it is manifest that our duty of faithful and patriotic care for the future welfare of our country was never so important as it is now.

The great body of the American people, irrespective of localities or pursuits, are steadfastly anchored in the belief that in their State and Federal governments they have the best heritage of liberty and justice that was ever secured to any people. It is this fact that kindles their love for their institutions, and excites them to jealousy when the just powers and authority of either their State or national governments are put in jeopardy.

This enlightened conviction and ardent affection of the people supply to these governments their vital force, and secure them against any assault which the people are in condition to meet and resist.

It has been established in our recent history that the power of the people is adequate to protect the Government from any degree of violence, and that it is safe to trust to their power to meet any form of open aggression upon the States or the Federal Government. This fact has been so well established that there is but little ground for apprehension that any such open attack will be made upon any of our governments. The danger is from another quarter, and will arise in a different form.

The unholy ambition of men who have courted the people for their confidence, and their lust of power, which changes the servants of the people into their masters, and destroys all sense of official responsibility, will not fail to point out to those who would make their hold on the great offices perpetual, the flaws and defects in our organic system which must be bridged over, from time to time, with some expedient of usurpation, in order that the Government may continue to exist. It will be claimed by them that such usurpations are necessary to execute the will of the people, which will be accordingly extolled as being above the Constitution. And in cases where there is serious distrust of the success of such measures, they will be approved and confirmed by a sort of *plébiscite*, in which a subsidized press will assume to utter the voice of the people.

In such manner the people will be accustomed to have Executive and Congressional usurpations conducted in their names, and, while they are flattered with the assurance that such measures

are for their security and advantage, they will too often fail to perceive that their liberties are endangered.

By our omission to provide against all necessity or excuses for irregular action in the conduct of the Government, we furnish a plea for usurpation which may, in the end, convert the Government into a mere instrumentality of mob rule.

Measures which can find no sanction except in "the law of necessity," and acts of public administration that are not warranted by any law, and must receive their validity from the subsequent ratification of Congress, however beneficial they may be, are to the last degree dangerous to the people and their government. Usurpation is stealthy, secret, and intriguing. It never is actuated by a good motive, and has no other aim than selfish aggrandizement. Its vigilance is always greater than that of the virtuous spirit of justice and liberty. Its tenacious hold on power resists the most determined efforts to drive it away from its purpose, and it can seldom be met successfully except by means of prevention provided in advance. The will of the people—the vital power of government—is ineffectual to meet a secret usurpation set on foot by the trusted agents of government, unless it can be concentrated upon some act of open and clear invasion of their rights secured by indisputable law. If the usurper can fairly engage in debate with the people as to his right to exercise the power he claims, and can protest, with apparent candor, that he usurps power in their name, and only for their advantage or safety, he thereby too often gains all the ground that he may need in order to supplant, with his mere will, every law that may obstruct his designs. It is in this view that it becomes so important to the people that they should, in advance of the actual appearance of danger, guard their rights, powers, and liberties against abuse by those into whose hands they must of necessity be intrusted.

The people are now enjoying the happiness of unusual prosperity, and the repose of an apparently peaceful security.

It is because our Government is so much under the direct control of the popular will, and seems so safe under that shelter, that its greatest dangers are found to spring up in our seasons of greatest prosperity. When the vigilance of the people is asleep in the embrace of luxurious contentment, the enemy is abroad, and the danger is supreme.

It is no longer the duty of the outlook for dangers to our

Government to search the distant horizon for the signs of storms that may gather to vex us; but to examine the smooth seas for sunken rocks that may destroy us without warning. There is no danger that war between the States will ever be repeated. The States will never again be reconstructed by act of Congress. No State will ever be banished from the Union, or denied its equal suffrage in the Senate. As long as there is constitutional government in America, each State will be complete in its autonomy. No standing army, or fleet, will probably ever menace a State with coercion. The people will be on the alert to give a check to such rugged policies, and to remedy such troubles as may arise, by a resort to measures less objectionable than cruel warfare. Internecine war will cease to be an American remedy for internal strife, or the arbiter of controversies between the States. We will find in the Supreme Court, or in conventions called by the States in conformity with the Constitution, some authoritative and peaceful solution of difficult questions that may hereafter arise. The wisdom that will compel us to such a course is at least one good and lasting result of the sad experiences of our great civil war. Many centuries will pass away before the American people will forget how dangerous and costly is the effort to settle disputes relating to constitutional rights, where they involve the honor, the privileges, and property of great communities, and the pride of race or of sections, by the arbitrament of the sword. They will remember with what desperate obstinacy even a small minority of our people will defend and protect what they believe to be their just rights, and the immense expenditure of blood and treasure it requires to overcome them. So that smoother counsels and more peaceful methods of adjustment may be safely relied upon, in the future, with reference to any controversies that may arise between the people of the several States.

We have, therefore, an unembarrassed opportunity to turn our attention to other dangerous questions that lurk in the body of our laws of governmental organization. In such matters all the people and all sections of the country have a common and equal interest. We are all entitled to a safe government.

A brief narrative of the more important dangers through which we have passed within the last sixteen years will serve to show the nature of some of the questions which are still left open, and for the settlement of which we cannot too earnestly labor.

The conclusion of the war left a perfect constitutional union between all the States, in which each State was the equal of another, according to one theory; but, according to another theory, the States that had been in rebellion were not entitled to participate in the conduct of the Federal Government, further than to ratify amendments of the Federal Constitution. This diversity of opinion has been practically settled by accomplished facts and the acquiescence of the people, and is not now regarded as an open question. The States are equal.

The assassination of Mr. Lincoln, through which the powers and duties of the office of President devolved upon Andrew Johnson, Vice-president, and his subsequent impeachment, in which he was put upon trial as the President of the United States, and was acquitted, settled the question that the Vice-president succeeded to the office of President by the operation of the Constitution, and that, therefore, the office of Vice-president became vacant when Mr. Johnson became President. A majority of thirty-five to nineteen of the Senate voted that Andrew Johnson, President, was guilty on three of the articles of impeachment presented against him by the House of Representatives, and a majority of thirty-four to sixteen, after a full trial, refused to give judgment upon eight other articles so presented; and so, being acquitted on three of the charges, he went through his term of office and into his grave under a censure of the House, from which the Senate refused to relieve him, because it had not the power to declare him guilty, and chose to leave him under accusation. The power of the Senate thus to refuse to a President a judgment of acquittal, after a full hearing, on the trial of an impeachment (if it is an open question), may not be dangerous, except to the character of the country. But Hon. B. F. Wade, of Ohio, was then the President, *pro tempore*, of the Senate, and voted for the impeachment of Andrew Johnson. The law of Congress, approved on the 1st of March, 1792, is as follows:

"That, in case of the removal, death, resignation, or inability, both of the President and Vice-president of the United States, the President of the Senate *pro tempore*, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives, for the time being, shall act as President of the United States until the disability be removed, or a President shall be elected."

If this statute, which is all the law on the subject, is constitutional (and this is an open and dangerous question), Mr. Wade

voted to make himself President of the United States. Whether he had the right to do this, is as serious a question in ethics as it is under parliamentary and constitutional law. Whether the President *pro tempore* of the Senate can be declared by a law of Congress as the officer who may in any case act as President of the United States, is an open question, and fraught with many serious dangers.

The fifth clause of Sec. 1., Art. II., of the Constitution is as follows: "In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice-president, and the Congress may, by law, provide for the case of removal, death, resignation, or inability both of the President and Vice-president, declaring what officer shall act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected." It is not intended now to discuss the questions to which reference is made, but their magnitude and difficulty will more distinctly appear by a statement of some of the grounds of debate with which their solution seems to be embarrassed.

The act of 1792, above quoted, seems to be rested on the sole ground that the President *pro tempore* of the Senate, and the Speaker of the House, are made "officers" of the respective houses by the provisions of the Constitution. This fact does not establish, however, the other disputed proposition that they are *the* officers who may be declared by law of Congress as entitled to act as President of the United States.

The prescribed tenure of office in such cases is during the "inability" of the Vice-president, or until a President is elected. During that period, the officer designated by the law acts as President of the United States in virtue of the Constitution and the law, and it is beyond the power of the Senate to remove him as Senator, or as President, by expulsion, and, possibly, even by impeachment. In every practical sense he ceases to be a Senator, but in fact must remain in that office so as to be or to remain President *pro tempore* of the Senate, in which capacity he is to act as President of the United States by his assignment, as Senator, to the temporary discharge of the duties of that office. This unavoidable involvement of the powers, functions, and duties of one who is filling three offices at the same time, in which many of his duties are wholly repugnant, has never been provided for by law.

There is serious doubt if this could be done. No State can, without its consent, be deprived of its equal suffrage in the Senate (Constitution, Art. V.). If Mr. Wade had succeeded to the powers and duties of the office of President, through the impeachment of Mr. Johnson, he must either have remained in the Senate to represent his State, or else Ohio, without its consent, must have been deprived of its equal suffrage in that body. It is obvious that he could not have remained in the Senate to participate in enacting laws which he was compelled to approve or disapprove as President. And so of appointments to office.

The boundaries of jurisdiction fixed by the Constitution between the legislative and executive departments seem strongly to forbid that any man can discharge the constitutional duties of one department while holding a constitutional office in the other, and this objection, with some of those above adverted to, applies to the Speaker of the House. It is not necessary to go further in the examination of the difficulties that the country would have met if Mr. Wade had succeeded to the Presidency. This open question would have led to the most dangerous discussion, and must have produced violent agitation. While in office, and with no one to succeed him (if the objection to his holding was valid on constitutional grounds), his right to act as President would have been fiercely assailed. He would have been regarded by millions of people as a usurper who had by his own vote, as Senator, removed Andrew Johnson so that he might unlawfully occupy his office. If he was not entitled to act as President under the Constitution, that great office would, through a defect in the law, have been vacant, and could not have been filled otherwise than by usurpation.

Here then is a chasm of appalling darkness in our Constitution, or in our laws of organization as a government, in which there is no light to guide us, no precedent to direct us, and no hand to lead us if we wait until the evil hour is upon us to provide for the security of the Presidential succession.

Another open and dangerous question exists in the fifth clause of Section 1, Article II., of the Constitution, which is as follows: "In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice-president." Here the office devolves upon the Vice-president by the simple force of the mandate of the Constitution, "in case of the inability of the President to discharge the powers and duties of said office."

Does this feature of the Constitution execute itself when "the case" exists, or is that a matter to be determined and regulated by law? In either case we are equally forlorn, since neither the Constitution nor the law makes any provision on the subject, by which the inability of the President is to be ascertained and declared.

A Vice-president who is a bold and determined man, and backed by a popular movement which a weaker man in the Presidential office might be unable to withstand, would find it easy in his own mind to assume "the inability of the President to discharge the powers and duties of the said office," and to claim that the case existed in which the Constitution devolved the office of President upon him. This would apparently be a bold usurpation. But who is designated by the law or the Constitution, in the recess of Congress, to question the right of the Vice-president at least to assume the Presidential office? Neither the laws nor Constitution define what is the nature, or degree, or length of continuance, of the inability that disqualifies a President from discharging (performing, or exercising) the powers and duties of the office.

Since the second of July last, we have been mournful witnesses of the utter inability of the President to discharge the powers and duties of his office, through painful sufferings inflicted upon him through the murderous hand of an assassin, or else by the mad freak of a maniac. Death or insanity could scarce have inflicted upon the President a more complete disability as to the practical discharge of his powers and duties. We have no system of regency, or of a responsible cabinet or council of state through which we can conduct the Government, during a temporary inability of our chief magistrate. During all the weary months of his weakness and suffering he cannot delegate any of his personal duties as President, or any of his constitutional powers of the higher sort, to any other person. His powers are virtually in abeyance, and the executive arm of the Government is paralyzed. This state of things could not have been expected to exist, even for a short time, by the framers of our Constitution.

Our dangers under these circumstances, while they are fortunately not disastrous in this time of peace, are very grave. If foreign war should suddenly occur, the President could not issue an order to army or navy to put them in position for our defense.

If treason or insurrection should occur in the States, his powers of repression would be nugatory. If the treasury should be robbed by its custodians, he could not remove the robbers from office, or change the keys to other hands. If treason should appear in his cabinet, he would be powerless to detect or resist it, or to remove the guilty ministers. If the custom-houses, post-offices, mints, or land-offices become vacant, he cannot fill them up with other persons. If Congress were in session, the embarrassment would only be increased and the difficulties multiplied, for he could neither send in a message nor consider any measure they might enact. The pardoning power cannot reach the innocent man, whose life may have been forfeited through perjury or by a misguided effort to do justice. Indeed, the very life of the Government, so far as it is in the keeping of the President, is stricken down by the assassin's weapon, "and languishing does live" in the feeble pulsations of the chosen of the people. Our sorrow for the sufferings of the President almost forbids us to examine into the condition in which the country is left by this horrible blow, or to suggest anything as a remedy which admits the real danger of the situation.

God may in his mercy lift us above our misfortunes, and in good time; but when we reflect upon what we have done to provide against such calamities, we feel that our prayer, as a people, should be for pity upon our neglect of duty. We have taken no proper care to provide against misfortune. What may befall us before the President can possibly resume the duties of his office, no man can tell. We only know that a practical inability exists on his part to discharge these powers and duties; and that we have no tribunal to consider the extent of his inability, or to meet its consequences, or to provide for any exigency in which the country may be placed by reason of this event. If the President and Vice-president were both removed or disabled from discharging the powers and duties of the Presidential office, we have not even the precarious chance of a succession by the President of the Senate, or Speaker of the House. We are without such officers. Where the fault of this dereliction of duty may justly rest, is not an inquiry pertinent to this article; but it is a matter that requires to be investigated.

The Senate, in the choice of a President *pro tempore*, would, if assembled now to meet a great emergency, find itself equally divided between the great political parties. A fact that makes

the outlook for the country less cheerful at this moment, but greatly strengthens the argument for prompt action in making provision for the future safety of the country.

During this entire century the people and the Congress have been anxiously considering how they could best provide for "a free ballot and a fair count" of the votes of the Electors for President and Vice-president. Not one hair's breadth of actual progress has been made toward a solution of the real difficulties to be met. The subject has been discussed until it would overtax the most subtle mind to conceive of any phase of any question connected with the matter that has not been considered. Any adjustment of the difficulties which grow out of our imperfect constitutional provisions on this subject, if generally accepted as being fair, would be better than to leave it without any sort of regulation.

The real obstruction to the adoption of some permanent rule or law on this subject has been found in the morbid apprehensions of political parties that some advantage would accrue to their opponents from the measures that have, so far, been suggested.

In 1876 it was found to be necessary, in order to secure the peace of the country, to adopt the most extraordinary measures for counting the votes of Electors. The result was declared, and was sustained by the will of a virtuous and patriotic people, who did not receive it as a just judgment, but as a declaration of an American tribunal made in pursuance of law, and therefore conclusive. Still it has left a tarnish on the history of that period, and a feeling of resentment in the hearts of the people which will never be removed, however just or unjust the reproach may be.

When the Houses came to count the votes in Mr. Garfield's election, after fruitless efforts to provide a rule, or a law, under which they could be actually counted, it was necessary to resort to a temporary expedient by which all questions were suppressed that could give rise to controversy, in order to declare a result which no one disputed, but which left the vote of Georgia uncounted. If New York had voted for General Hancock, Georgia voting, as she did, on a day not fixed by the laws of the United States, the result would probably have been a tie in the Electoral College. One vote in the House might also have divided the States equally, and the Senate in that event would have chosen a Vice-president who would have become President, or else a person not elected by the people would have captured the office. It would have

been beyond the bounds of a reasonable hope to have expected a peaceful result in this gauntlet of chances to which this great office would have been thus exposed. It should be enough to say to a wise people that all questions are open and dangerous that relate to the counting of the votes of Electors. They are as numerous as it is possible for the ambition, the cupidity, the fraud, and the skill of wicked men to invent.

Other questions of momentous consequence are also open and dangerous, but as they do not relate particularly to the organic system and functions of the Government, they are passed by. What the remedy should be for the evils which so abound in our Government, is left to the reflections of thoughtful men.

It may be impossible to provide by law for the performance by others of the duties and powers of the President during a temporary inability, or for determining when, and how, and under what circumstances his permanent disability vacates his office. But the Government cannot stop because a President is unable to execute the powers and duties of his office, by reason of mental or physical disorder. If the difficulty can only be met by amending the Constitution, no time should be lost in providing that remedy.

In the darkness that has fallen upon the country and clothed it in sorrow for our stricken chief magistrate, we must realize that other and deeper shadows may come to cloud the future if we are not vigilant to prevent them. The time is auspicious for united and harmonious effort in the work of providing for the country every security that wise and just laws can furnish against every evil in our organic system that can be foreseen. If we are not agreed in all things, it is now apparent that in some great convictions and ennobling sentiments the American people are of one mind and one spirit. If the pride of party success and domination, and the acrimony of sectional strifes, have been almost forgotten during more than a month of national anxiety, in which every heart has throbbed with one pulsation, there can be no excuse for us if we do not improve this occasion and deal with these open and dangerous questions without permitting our counsels to be again disturbed by such considerations.

JOHN T. MORGAN.

THE ELEMENTS OF PURITANISM.

If a Connecticut or Massachusetts Puritan of the first age of New England were to revisit the places where he had once dwelt, he would be not a little amazed, and—supposing him to retain his former opinions—not in the least gratified, at the ecclesiastical changes which would first meet his eye. He would experience the same feeling of surprise and regret almost everywhere among the ancient abodes of Puritanism, in the Old World and the New. In the room of the plain meeting-house, whose architecture was conformed to no historic model, although possessed of a certain dignity and comeliness of its own, he would find his descendants, in most of the large and in not a few of the smaller towns, gathering within the walls of a Gothic structure, mediæval in its form and associations. Raising his eyes to the spire, he would be astonished at beholding a cross on its summit, restored to the place whence he had indignantly dislodged it. Entering, with a frown, within the arched door, he would find the interior illuminated with mingled colors, transmitted through stained glass, resembling that which his contemporaries broke out of the windows of Canterbury Minster and St. Paul's, in the days of the Civil War. If it were Sunday, and the hour of worship, he would not have time to soothe the feeling excited by this transformation of a Puritan conventicle, before his ears would be offended with the sound of instrumental music, and he would descry the organ, which he had excluded from the sanctuary, reinstated in its old place of honor. According to the unpublished diary of the late President Stiles, of Yale College, the first organ ever introduced into a Nonconformist congregation in England or America was placed in a Congregationalist meeting-house in Providence, in 1770. It was a wonder and a scandal unto many. One had been used before at Princeton College, but not in the Sunday services; and the misgivings occasioned there by the use of it in college

prayers had caused it, Dr. Stiles informs us, to be laid aside. A few years ago, I visited the old church at Zurich, where Zwingle preached, the edifice from which, having the same opinion on the matter of church music as the Puritans, he had, notwithstanding his fondness for the musical art, and his skill in it, expelled the organ; and there I found the organ again in its place, and was told by the sexton that it had been brought in only a fortnight before, after three centuries of exile, the way for its return having been paved by a previous use of a melodeon. The same retrogression in this particular takes place generally, though in some localities more tardily than in others. Hardly more than a score of years have passed since an organ was allowed in the First Church in New Haven—the church founded by John Davenport. Returning to our Puritan visitor to the Congregational and Presbyterian churches of the present day, we observe that his grief and astonishment would only have begun on the discovery of the mutations which have been just described. His displeasure, if he were a Massachusetts Puritan of the early day, would be excited at hearing the Scriptures read by the minister, without comment, a practice which in his time was regarded as reprehensible. And this displeasure would be aggravated on hearing the minister read, and the people or a choir sing, hymns by uninspired authors. He might, in some congregations, hear the Lord's Prayer repeated in concert, the responsive reading of the Psalms, and other liturgical exercises which he had been wont to regard with reprobation. If favored with an invitation to a wedding, he would experience a pang, if not retire in disgust, at seeing the ring placed on the bride's finger. The participation of a minister in the ceremony might itself be offensive to him, since marriage in the old Puritan colony was by the civil magistrate exclusively. So a religious service at a funeral, and especially at a grave, would strike him as a revival of a dangerous custom, a custom adapted to encourage superstition—which the Puritan community had, therefore, sternly discarded. If emotions of sorrow and condemnation would arise in his mind in view of these innovations, what would be his impressions on seeing his descendants engage in the celebration of Christmas, in the commemoration of Easter, and even in delivering and hearing Lenten lectures for their spiritual edification? We have touched on sundry departures from old usage in matters purely ecclesiastical, without referring to various amusements and social customs

which are more or less in vogue in churches and circles still nominally Puritan,—practices which our fathers put under the ban.

Let us not be misunderstood. Puritanism had many types and phases. It was sometimes moderate and sometimes extreme. It was not just the same thing in Old England as it was in New. In England there were Puritans who would not quarrel with a moderate episcopacy. A churchman like Ussher did not differ materially from a Puritan like Baxter. There was a vast number of Puritans, under James I. and the Stuarts after him, who would have continued to use the prayer-book if a few obnoxious passages had been stricken from its pages. There were political Puritans, who coöperated with theological Puritans mainly from a wish to further the cause of civil liberty against hierarchical, as well as regal, usurpation and oppression. From the beginning of Elizabeth's reign, there was a numerous body of Puritans in the Church of England. Her bishops were most of them, in principle, Puritans. In the vestment controversy, which formed the first conspicuous epoch in the conflict, prelates like Jewell would have been glad to cast off the cap and surplice. It was only the determined will of the Queen—a Lutheran in her creed, with strong ritualistic proclivities—that prevented the Church of England from becoming Puritan in its ceremonies—that is, much more closely conformed to the example of the Reformed Church on the Continent. Burleigh, Sir Nicholas Bacon, Leicester, were Puritan statesmen. Puritanism was identified with no single form of church polity. A Puritan might be a Presbyterian, or Independent, or even favorable to an episcopate with limited functions of government. He might believe in a church establishment, or oppose it. Puritanism generally was hostile to the subjection of the church to the state, and looked with no favor on the Erastian theory, that church and state are one and the same, on which Cranmer and his associates at first proceeded, and which never ceased to exert a powerful influence in shaping the Anglican polity. Yet even when Puritanism was completely dominant, under the Long Parliament, there was a steady refusal to constitute in England a general assembly, such as existed in the Church of Scotland, or to relinquish the independence and supremacy of the civil authority in the affairs of religion, as well as in the secular sphere. As to liturgical worship, Calvinists at Geneva and elsewhere on the Continent, and in the Church of Scotland, organized by Knox,

had liturgical forms. The principal festivals, especially Easter, were frequently observed by bodies of Protestants who were closely affiliated with the Puritans. Puritans were bent on restricting the power of the Crown, especially in the regulation of the rites and ceremonies of Christian people, and in the exercise of church discipline. They wanted to simplify the English hierarchy by doing away with various ecclesiastical offices having no precedent in Scripture, and by curtailing the authority of bishops. They were disposed to sweep away from the ritual "the relics of popery,"—such as the clerical apparel, and the phraseology included in prayers which was thought to countenance Roman Catholic tenets; and they were zealous for an educated ministry and for the exclusion from communion of unworthy participants. The drift of Puritanism was toward the banishment from polity and from worship of everything which could not sustain itself by a definite appeal to Scripture. The church, the Puritan felt, was emerging from a long period of corruption. It must look for its patterns of government and rite, not to the middle ages, which were ages of superstition, not even to the comparatively pure centuries following upon the apostolic era, but to the church of the apostles itself and to the Scriptures. The settlers of New England carried the tendencies inherent in their system to a farther limit than was reached by most others who had been designated by the name of Puritan. They went back to what they considered the primitive organization of Christian societies. They discarded altogether written forms of prayer. They abjured all Christian festivals, except the Lord's Day, which they rested on a revealed commandment. Observances which emanated from ecclesiastical authority in ages subsequent to the apostles, observances which symbolized dogmas not consistent with evangelical doctrine, or even thought to give countenance to a superstitious conception of the Christian ministry—an exaggeration of its function and prerogatives—they unsparingly swept away. Æsthetic and sentimental considerations went for nothing, in comparison with the demand of what they judged to be apostolic and enlightened Christianity. Saints' days, a monument of mediæval superstition, and linked to the Romish claim to a power of canonizing the departed; with them all fasts and feasts handed down in the church, but of merely human ordination; vestments suggesting to the people that their religious teacher was something more than a minister; the agency of a clergyman

in uniting persons in marriage and in the burial of the dead, which for ages had been deemed indispensable on these occasions; the attaching of a mystic sacredness to church edifices; accessories of worship which sprang out of moods of feeling, or kindled moods of feeling, not involving of necessity intelligent acts of devotion; all these institutions and practices the Puritans, in the first age of New England, abolished. They were Protestants of the Protestants. With the Bible in their hands, they undertook a rigid excision of whatever had crept into the church, or been imposed on the church by its rulers, after the canon of the New Testament had closed.

One who glances at the ecclesiastical and exterior aspects of Puritanism may judge it to be undergoing a rapid process of disintegration. Forms of church government which Puritanism established, to be sure, still subsist and flourish. But even these —in New England, at least—have materially changed since the time when a minister lost his clerical character on leaving his office in a particular congregation, and became, in all respects, a layman. Amid these changes of custom and rite, what is there, it may be asked, that abides? What are the permanent elements, which time has spared, and which will continue to live?

There is, in the first place and preëminently, the Puritan rejection of the dogma that the minister is a priest.

This denial was a part of the protest which constituted Protestantism. Luther proclaimed it in his earliest proclamations of evangelical doctrine. But Puritanism reiterated this protest in the most emphatic and practical shape. What was the doctrine of the priesthood? It was the doctrine that the clergy are recipients of a special grace,—an "indelible" grace,—by which they are constituted the indispensable almoners of heaven's gifts to the flock, the exclusive channel through which the good offered to men in the Gospel must be received—mediators, thus, between Christ and the laity. This body of priests are a close corporation; without their act and consent none can enter their ranks. Coupled with these tenets is the doctrine of the sacraments as the indispensable means of conveying grace to the individual, as operative by a mysterious, intrinsic virtue, and as rites which the priest alone is competent to administer.

The essence of the Puritan protest must be distinguished from its accidents. To give effect to their rejection of the doctrine of a priesthood, they adopted measures which some may consider to

have been, even at that time, more radical than was necessary; the significance and propriety of which, however, can be judged aright only by those who penetrate to the core of the great controversy in which they were parties, and form a just idea of its momentous character. In other words, we must not overlook the principle for which they were consciously contending. And, as to these special practices, it may be that usages which are now safe and innoxious have acquired this character by means of the Puritan protest which led to the temporary displacement of them.

Look, for example, at the subject of marriage. This had been deemed a sacrament. As such, it was valid only when sanctioned by the priest. In no other way could the grace required for securing the benefits of matrimony be procured. Marriage without the act of the priest was impossible; it was unchristian concubinage. This had been the belief of Christian Europe. It gave to the clerical corporation of the Church of Rome an absolute control over marriage in the Christian nations under its sway. This tremendous prerogative had been acknowledged to inhere in the clergy. All this the Puritan of New England repudiated in the most practical way possible. He married without the help of a minister. He went with his bride before the civil magistrate, and entered into covenant with her. Those who call to mind the conflict, in recent days, in Roman Catholic countries—as Belgium, Italy, and France—over the validity of marriage by the civil contract, will better appreciate the magnitude of that question on which the Puritans, in the sixteenth and seventeenth centuries, were called upon to act. When the battle has been won,—when there is no longer practical danger that the indispensableness of the clergyman to give validity to a marriage will be asserted,—the reasons, such as they were, for disconnecting the marriage covenant from religious services are no longer applicable.

The objection to the use of a ring in the marriage ceremony was felt by Puritans generally, in England as well as here, even by those who had no scruples about the solemnization of the rite by a minister. The main ground of this objection was the common idea that the ring was symbolical in such a sense as to imply the sacramental character of marriage. The ring was used in espousals by the ancient Greeks and Romans, but was not used by them as a part of the marriage ceremony. In the Church it continued to be used in betrothal, as a symbol of the tie which had been formed; but in the marriage rite itself it was probably

not used until about the tenth century. The introduction of the marriage-ring was probably derived from the custom of giving the ring, with the staff, to bishops at their consecration. Whether correctly or not, the ceremony of placing the ring on the bride's finger was held, as we have said, to indicate the symbolic and sacramental nature of marriage itself. The couples of Puritan descent who go through the form of bestowing and receiving the ring, at the present day, certainly have no such dogmatic association with what they regard as a harmless and pleasing custom. But there is no ground for flinging stones at their Puritan ancestors who were in the thick of the battle with Romish theology, and who felt called upon to scrutinize the usages which had come down from times when Christianity was taught in a perverted form, and the rights of the laity were absorbed by the clerical body.

It would be easy to show how a variety of Puritan usages are thus the offshoot of a deep-seated antagonism to the sacerdotal theory of the ministry. Those who adhere to this theory, and those who play fast-and-loose with it, not distinctly knowing what they do hold, will find nothing to respect in the sturdy, unsparing protest of Puritanism. It cannot escape the student of English history that it was the Puritans who, as regards English Christianity, inflicted upon sacerdotalism a blow from which it has never recovered.

In the second place, the Puritan was the champion of the truth that Christian worship must be a "reasonable service," that is, intelligent and spiritual.

The idea lingered in the minds of men that God has a special abode in consecrated temples, which have thus a mysterious sanctity. This idea, which the Puritan saw to be contrary to the letter as well as spirit of the New Testament, he took effectual measures to dispel. He used his "meeting-house" for town-meetings, or any other lawful secular purpose.

Another phase of this conviction as to the nature of true religion led to an abhorrence of all ceremonies which either convey no clear meaning to the mind, or were thought to encourage a piety divorced from intelligent perceptions of truth and sound principles of conduct. Vague, dreamy sentiment, emotions which spring out of no truth recognized by the mind, and leave the character and actions of those who indulge in them unaltered, were odious to the Puritan. In our times, from

æsthetic impulses, there has been a tendency toward mediæval types of devotion. Puritanism was a vigorous reaction against analogous conceptions of piety.

If the Puritan sometimes laid a rough hand on "the fair humanities" of the old ritual, the motive at least may be honored. He meant that religion and religious worship should be genuine; should be a real approach of the rational creature to the Creator. When Oliver Cromwell, in 1644, was Governor of Ely, he wrote to a clergyman named Hitch to forbear from the service of choral worship in the cathedral, which he styled "unedifying and offensive." The clergyman, however, did not desist. Entering the church and finding Hitch chanting in the choir, Oliver reiterated the command, and as the clergyman still persisted, said to him, "Leave off your fooling, and come down, sir,"—an injunction which had the effect to break off the service. It appeared to Cromwell, and to many Puritans of that day, to be mere "fooling." Ceremonies which had been transmitted from less enlightened times struck them as either a substitute for spiritual worship, or as artificial, cumbersome performances, as repugnant to sincere, manly devotion, as the elaborate etiquette of Louis XIVth's court is repugnant to our idea of genuine kindness and courtesy. There was a virility in the Puritan which made him impatient of ceremonies which he felt that he had outgrown, impatient of the pageantry of worship which was an heirloom from the days when imagination shaped the usages of court and temple. This was the secret of his craving for simplicity in religious services. The Puritan was a stanch enemy of formalism; and formalism, it cannot be denied, is a besetting danger in the Christian church as under other religions. While, therefore, many of these questions relating to worship are open to debate, and while no single individual can make himself a measure of what is edifying to all others, and no more any one generation determine what is wholesome for another, the Puritan's grand assertion that religion, if it have any worth, must be intelligent and spiritual, retains a perpetual force and value.

Thirdly, the Puritan inculcation of the supreme authority of religion in every province of human life has lost none of its importance.

Others did not deny that the civil magistrate was bound by the law of God, but the Puritan thundered this truth in the magistrate's ear. The Puritans never forgot "the higher law."

James I. was not wrong in thinking that Puritanism did not comport with such prerogatives as he wanted kings to possess. This lesson his descendants practically learned. No Puritan would ever have fallen on his knees and assured that theological despot that his twaddle was uttered with the special assistance of the Holy Ghost. The temptation of Puritanism was to substitute a tyranny of the church for a tyranny of the state; but their system nourished a spirit of independence which eventually proved too strong for any spiritual authority of their own creation to withstand.

It was the idea of the supreme place that belongs to religion as the guide and motive of all conduct, that inspired Puritan views in respect to amusements. Many of the amusements which they proscribed no Christians now approve. Macaulay wittily remarks that they forbade bear-baiting, not because it gave pain to the bear, but because it gave pleasure to the spectators. But this reason, as everybody now allows, was good and sufficient. It was a demoralizing sport. It is a disputed point whether the theater is, or is not, a legitimate instrument of culture and source of entertainment. But few sober-minded persons would now sanction that theater which the Puritans forbade. Extreme Puritanism made too little room for recreations. Its tendency was to give a too somber hue to the life of the young. In its degenerate form, Puritanism might run into that exclusive absorption in the affairs of religion which has been designated "other-worldliness." But one should not be ashamed to declare it to be the glory of Puritanism that it cut out of the programme of life everything frivolous and everything debasing, and affirmed that man's pleasures as well as grave employments must be conducive to the advancement of his intellectual and moral nature, and consonant with his destiny as an immortal being. Matthew Arnold has made much of the want of the "Hellenic" element in the Puritan ideal of man and of life. Whatever fault there was of this character sprang from the excess of a virtue. If the injunction of Christianity be right that "*whatsoever* ye do" is to be done for the glory of God, or for a religious spirit and for religious ends, the Puritans must be allowed to be distinguished among all witnesses to this fundamental truth.

Dean Mozley has called it a sufficient argument against Puritanism that it came to be laughed at. It succeeded in making itself an object of derision. But the first Christians had the

same lot. They were "mocked at." It was not the English Puritans that Lucian derided. Moreover it must be remembered that not all Puritans were ascetic. John Milton was a zealous Puritan. The extravagances and hypocrisy which Puritanism, like other religious movements, could not fail to breed were excrescences by which the system is not to be judged. The Puritan sense of the responsibility and seriousness of life will be denied only by those who attach little weight to the precepts of the New Testament.

These are signs that the long controversy of Churchman and Puritan is approaching its end. Its dimensions are becoming every day contracted.

First. One principal bone of controversy grew out of the union of church and state. What should be the power of the magistrate in the concerns of the church? With the severance of the connection of church and state, disputes of this sort are superseded. In this country, all parties unite in the conviction that the civil authority should be neutral as regards the different denominations, and that these should severally govern and sustain themselves. In England, Nonconformist and Ritualist appear disposed to join hands in securing disestablishment. It is curious to observe that a considerable portion of the former class have hardly any other objection to the Anglican Church except that it is allied to the state. Disestablishment might bring opposers within its pale.

Second. The number is comparatively small who maintain a divine right for either system of church organization. Not only Episcopalians, but Presbyterians also, and even Congregationalists, have often stoutly asserted that their peculiar method of government is the only admissible one according to the laws of the New Testament. Such pretensions have less and less support. A multitude of churchmen agree with the great lights of the English Reformation down to Hooker and including him, —not to speak of eminent Anglicans of a later day,—that episcopal government, however ancient and however beneficial, is not essential to the being of a church or to the existence of an authorized ministry. The various systems of church order show their character by their fruits, and by their fruits they will be judged. The *jure divino* claims must share the fate of the political theories that affirmed the divine right of kings or the divine right of democracy.

Third. The historical questions, anciently so much disputed between Anglican and Puritan, are less and less controverted among unbiased scholars on either side. Let me mention two works of a recent date. The "Essay on the Christian Ministry," by Professor Lightfoot, now the Bishop of Durham, and the Bampton Lectures on the "Organization of the Primitive Churches," by Mr. Hatch, another eminent scholar, contain little which candid Presbyterian or Congregationalist scholars would dispute. The removal of such inquiries from the atmosphere of partisanship to the field of true scientific and historical inquiry, brings to pass a substantial agreement among students. The origin and character of early episcopacy are pretty well ascertained, and the results of historical research dispose of extravagant assertions which have been made on both sides.

Fourth. A right apprehension of historical development in the church has contributed to an agreement in more enlightened views. The Anglican often planted himself on the church of the first three centuries. The Puritan denied any special authority in the post-apostolic church. He found, pretty early, prayers for the dead, and other unscriptural and obnoxious practices. On the other hand, the Puritan not unfrequently, tacitly if not expressly, rejected in a peremptory way whatever could not plead for itself an explicit scriptural warrant. Protestants, on both sides, are coming to perceive that, as the Spirit of God did not forsake the church at the death of the apostles, there might be a legitimate development in doctrine, in ethics, in forms and modes of worship, in polity. Rejecting the theory of Cardinal Newman and the Roman Catholics of his school, which assumes that development was of necessity normal, and bears throughout the seal of infallibility, we can still value everything in the church of the post-apostolic ages, down to the present, which is not discordant with the genius of the Gospel. We neither cut ourselves off from the past, nor make ourselves slaves to the past. Here is an advance beyond the point of view of the average Churchman and of the average Puritan of a former day, and a basis for agreement.

Fifth. As regards worship, few, if any, would now assert the unlawfulness of written forms. Few would speak slightingly of those which are collected in the Book of Common Prayer. Who can fail to discern the power of that Litany through which multitudes of devout Christians, for a thousand years past, have

poured out their supplications for deliverance? On the other hand, the time is past for persons to speak contemptuously of extemporaneous prayer—especially persons who have much knowledge of the early church. There are many who prize the Liturgy, but yet crave the liberty of offering in public worship spontaneous, unwritten supplications. And it is more and more recognized that all Christian souls are not edified by precisely the same methods of worship. To preserve and to use the rich legacy of devotion, the treasures of prayer and hymn, which have come down from the past, and, at the same time, to give unfettered expression to the aspirations and all the deep religious emotions which belong to the living present, to the hour that now is—this is the problem which thoughtful and reverent Christian men will eventually solve. In worship, as in government and discipline, order and liberty are to blend.

GEORGE P. FISHER.

THE STATE AND THE NATION.

"The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your independence — the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed,— it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness."— *Washington's Farewell Address.*

A LEARNED and acute gentleman has recently put forth a new edition of a large book, designed, as the preface states, to show that the authors and promoters of the late rebellion committed no crime against the laws of the United States, for the reason that their States having passed ordinances of secession, they were no longer amenable to the Constitution and laws of the United States against treason, insurrection, etc., and that now the American people "are, in form, and life, and action, an association of republics," and, as we understand him, nothing more or other.*

Another writer, justly very eminent at the bar, and very powerful in the political party that resisted the last three amendments of the Federal Constitution, and all legislative action to enforce them, has, in the May number of this REVIEW, given his views on the nature of the relation of the national and State governments, and has pointed out what he considers to have been the invasions of State rights by the national Government, and the dangers of many acts of Congress in the direction of centralization.†

* "The Republic of Republics, or American Federal Liberty." By C. P. Centz, Barrister. Boston: Little, Brown & Co. 1881.

† "Centralization in the Federal Government." David D. Field.

With the fundamental and definite proposition of the latter writer we entirely agree, that "the American Government" is "that mixed system of national and State organizations which found their last and best expression in the Constitution of the United States. The vital principle of this system is the balancing of the governments, national and State, in such a manner as to hold them forever in equipoise."

We think it as clear as anything can be made in this world by the use and interpretation of language, by nearly a century of historic practice, and by the judgments of the judicial courts, both State and national, that the doctrines of the "Republic of Republics" are wholly unfounded. The confederacy of the Revolution came near being what Mr. Centz conceives the United States to be now. The Declaration of Independence, when effectual, made each colony a State, perfectly independent of all the others. There was no obligation to any kind of union. Sixteen months later, these States, as such, formed a confederation, which was neither legally nor philosophically a government. It had the power "of determining on peace and war," of sending and receiving embassadors, entering into treaties under strict limitations, of regulating questions of prize, of appointing courts for the trial of piracy and felonies on the high seas, to decide certain controversies between the States, to regulate the alloy and value of coin, and intercourse with the Indian tribes, to establish and regulate "post-offices from one State to another," and to appoint certain officers in the army and navy. This, in substance, was all. It could not impose any taxes upon persons or things; it could have no judiciary except as to piracy, etc., and, consequently, even as to the post-office, it could not itself enforce its own power. It was indeed a league,—precisely what Mr. Centz considers the present United States to be,—an association of republics. The Revolution lasted six years longer, and was slow and full of disaster and disappointment chiefly because the confederacy had no direct relations with the body of the people whose liberties it was endeavoring to secure, and could not compel the service of a single citizen or the payment of a penny into the common treasury. It is probable that the glorious enterprise would, on these accounts, have failed altogether, but for the ancient hostility of the king of the French to the British, which was brought in effective play at the critical moment, not on account of any love of his for free institutions, but because

he desired to dismember the empire of a rival and an enemy. The brave and intelligent French people have required almost one hundred years to emancipate themselves from the tyranny of kingcraft, since their own king assisted our fathers to establish a government of liberty and order, to which their own is at last happily assimilated.

The independence of the American States having finally been achieved by the peace of 1783, the confederacy of the thirteen independent and "associated republics" continued for four years of peace the experiment of that species of association which had been found so inadequate in time of war. It proved to be as pernicious in peace as it had been insufficient in war, and when the Convention of 1787 met, the peril of the complete failure of the United States was imminent. The Convention contained many members of learning, of wisdom, of prudence, and of practical sagacity in affairs. The discussion and proceedings show that human history was ransacked, and all the fountains of philosophy and experience were opened. Everything was considered. There were the dangers of what we are now accustomed to call centralization—a very conveniently indefinite and elastic term—and the perils of decentralization—an equally uncertain term, but of which the people of the States had tasted the bitterness. The centralization feared was not so much that of lodging powers in a government of all the States and all the people, as that of power falling into the hands of the few—an aristocracy—and so drifting back to a class and kingly government like that from which the colonies had delivered themselves.

Among a people substantially homogeneous there could be little danger to liberty in the centralization of all legislative power in the hands of the representatives of all the people, under a written constitution. Such was essentially the government of each one of the States. But the very fact that the people of all the States were one people, with a common intercourse, with common objects, and common necessities and dangers, made it evident that, for common purposes, a government of that people should be instituted. The members of the Convention were familiar with the fate of the Greek republics, which had gone to ruin from the want of such a government and from a gradual centralization of power and domination in one State, which could not easily have happened in a case in which the coherent power and voice of all might hold in check the ambition or insolence of any

part. They saw that the brilliant triumph of the United Netherlands, in their struggle for liberty, had waned and relapsed into a night of tyranny, because there was no common and comprehensive government that was of all and for all in the maintenance and defense of the common interests of their people. And, more than all,—what it required neither historical research nor philosophical discussion to understand,—they felt the very foundations of the liberty and happiness they had fought so long to secure crumbling beneath their feet with the existing system. What then? A change of system was resolved upon, and—though it may seem strange to those who fancy that the Constitution of 1787 was of the same nature as the articles of confederation, and that the Constitution of to-day is the same that it was before it was amended in fifteen particulars—it was a change that was to make the situation of the States and of the people different from what it was before. The "association of republics," not less dear to us than to Mr. Centz, remained; but, if plain language can be trusted, "the people of the United States, in order to secure the blessings of liberty, etc., to themselves and their posterity," established the Constitution of the United States of America. In it, and by it, the people, as a whole people and as one people, granted legislative powers to a Congress created by the Constitution itself, and never before and not otherwise existing; they provided how and by whom its members should be elected, and they described the things it might do, and declared what it should not do, just as the constitutions of the States defined and limited legislative power in the creation of legislatures; they provided that certain enumerated powers should not be exercised by the States; and, to crown all with a certainty, as they supposed, beyond the reach of cavil, they provided that "this Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, *shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.*" They provided, also, for a judiciary, to decide all questions arising under the Constitution and the laws, and a president to execute them, as well as for armies and navies; and they provided, finally, for the amendment of the Constitution from time to time, according to a manner specified.

Here, then, was a government, complete in all its parts, which

purported to be ordained and established by the people, and which was to make and execute supreme laws. Were not these laws to operate upon and be enforced against persons? If armies were to be raised, or taxes imposed, or counterfeiting punished, was it not the individual citizen to whom the law was to speak? The discussion of such a question would at this day be inexcusable. The judgment of the Supreme Court pronounced by Chief-Justice Marshall, more than sixty years ago, in McCullough *v.* Maryland (4 Wheaton, 316), settled all there could be of the question.

Under the new system there came into existence, in the fullest sense, one government of one people, which, in respect to the subjects committed to it, was supreme and incapable of destruction otherwise than by non user, conquest, or revolution. The same people that created it might have conferred upon it all the powers of the States as well as a part of them, and made it for all what each State was for itself. In either case, it would have been in kind precisely the same—in degree, of course, widely different. Our fathers wisely did not choose to do so—they intended that the government of the whole people should not interfere with or abridge the rights and powers of the governments of the States further than was necessary to the liberty and welfare of all the people. They, therefore, adopted the new, and, as it has proved, happy experiment of subjecting every person in the United States to two distinct governments, to each of which he owed duties, generally of different kinds, but in some cases the same. So long as the laws of Congress should be confined to the subjects intrusted to it, and the laws of the States to the subjects retained by them, no conflict of duty could arise. In case Congress or the legislature of any State should transcend its authority, the judiciary, independent of both, would rectify the error. In a division of powers no better mode, fallible as it may be, can be conceived of. One element, indeed, of the structure of the national Government—and a most important one, since it can have no president and no senators without their organized action—is the association of State republics, but the fact that they supply indispensable parts of the fabric does not make it their fabric alone, or constitute them the Government itself. By whatever name we call it, it is a government whose laws and administrative and judicial acts operate directly upon the people, and not through or upon the States in their collective or political character. A majority of

the States could, undoubtedly, break up the Government by simply omitting to appoint electors of president and vice-president, or senators, just as a State government could be destroyed by a majority of its counties or election districts. This would be precisely equivalent to an act of secession.

"The supreme law of the land" must be obeyed in every part of the land, just as much after a State act of secession as before, unless the supreme law has been overborne by such act; but if overborne, it is because the law of the State in ordaining secession is superior to the Constitution and laws of Congress, which is exactly the reverse of what the Constitution itself plainly declares.

In some sense and in some respects, the Government of the United States is an association of republics, but it is also, in respect of the subjects embraced in the Constitution, in the largest sense and in the widest aspect a single government of a single people. So it will continue so long as the general welfare and the blessings of liberty and peace are to remain with us and our posterity. The question has been dealt with through almost a century of Congressional and State debate and legislation, and of judicial discussion and decision, and of practical administrative action, and, at last, it has borne the final test of war, always with one result. *Let it be at rest.*

The paper of Mr. Field brings forward questions of a different character. Taking the structure and nature of the Government and its proper relations to the States to be what he considers it, as stated at the beginning of this article, and what we have endeavored briefly to point out, a certain degree of danger must always exist that the equilibrium of powers and rights partitioned to the government of the people of all the States, or reserved to each State or to the people, will be disturbed. This danger is double, but less terrible for that reason. In one direction, the general Government is presumed to be tempted to amplify its power and authority at the expense of the several States. In the other direction, each State is supposed to desire to make its jurisdiction within its borders more complete than it is. The gravitations of aggressive political ambition, therefore, counteract each other, and tend to leave the structure of the government unchanged. Centralization, so called, can, in our condition, be nothing more than an increase of power of the general Government, and usually a corresponding diminution of the powers of

the States. Applied to certain subjects it might be most wise and necessary. The formation of the original Constitution was itself an act of stupendous centralization, but it was done as the only means of preserving the liberties of each and of all the States and the people, and of avoiding the wreck that had overtaken all previous associated republics. It consisted of withdrawing certain powers from separate and single communities of people, and lodging them in one great community of the same people. At that time, the people of the thirteen States were far more widely separated in institutions, in social habits, in industries, and in intercourse than are the people of the thirty-eight States at the present time. Political and social assimilation, trade and commerce, through time and the railway and telegraph, have made the people covering the breadth of the continent a much more compact and homogeneous body than were those who inhabited the small extent of territory extending from Massachusetts to Georgia at the close of the Revolution. The dangers in increasing the governmental powers of the aggregated community are, therefore, correspondingly less, and in some few respects the need of these changes has been greater. The Constitution itself provided for changes in the apportionment of powers between the general Government and the several States by the concurrent act of two-thirds of both houses of Congress, and of the legislatures of three-fourths of the States, etc. The first eleven amendments of that instrument, adopted before 1800, were all restrictive of the powers of the general Government—some in favor of the States, and more, directly in favor of the people as common members of one political community. A long and bitter experience of the power of respective States to establish and maintain the institution of slavery led two-thirds of both houses of Congress and the legislatures of three-fourths of the States, by the 13th, 14th, and 15th amendments, to destroy this power, and to secure liberty and equal rights in every State, under national protection. This was truly a great change in favor of the power of the whole people, and in diminution of the powers of the people of each State. Was this "a step that endangered the liberties" of the people of the States? It *gave* liberty to millions. It secured, or purported to secure, equality of rights and equality of protection under the laws. It is true that this change was resisted in Congress and out of it by a great political organization, but is there now any political party or any

considerable number of citizens who would undo that great act, or who fear that the safety or ultimate welfare of any State is endangered by it? If this question be answered in the negative, then there have been no undue or dangerous steps toward centralization in the changes of the Constitution itself. If otherwise, let those of that opinion say so in plain terms. We assume, then, that in the general judgment of the whole people, and in the opinion of the respective States, the Constitution as it stands does not in itself disturb the true equilibrium of powers, or impair the security or just rights of any State.

We go as far as Mr. Field has gone, or can go, in maintaining that the existence and independence of every State as declared and recognized in the Constitution must be preserved, and that each ought to retain every right and power not plainly necessary to be left with the national Government, for the welfare of all, including its own people. The States are the bulwarks of the liberties of the whole people, as the government of the whole people is the bounden and willing defender of the republican existence of each State, and of the inherent freedom and civil equality of its citizens.

Tendencies to "centralization," or the reverse, can occur—the Constitution being right—either through unconstitutional legislation of Congress, usurpation or omission of duty by the executive, or erroneous judgments by the judiciary. That there are dangers from each and all these, and dangers in both directions, is admitted, but they and similar ones are inseparable from human nature, and they will continue so long as men manage human affairs. These tendencies are illustrated by recent acts of Congress undertaking to deal with the health of the people of the various States; by the assumption of the power by the President to remove officers of the United States without the consent of the Senate, and without authority from any act of Congress; by the omission of President Buchanan to take care that the laws be faithfully executed in spite of State acts of secession, and by the decisions of the Supreme Court in the Dartmouth College case and many cases that have followed it, touching the immunities of corporations from State control, and their citizenship. Others might be given.

We do not, however, think with Mr. Field that "the Federal Government has overshadowed the State governments." In the matter of honors, offices, and emoluments, it is believed that the

desire to be a member of Congress rather than of the legislature of a State was as great in 1790 as in 1875, and that the ambition to be President was as strong, and the awe-inspiring magnitude of the position greater, in the days of Adams, and Jefferson, and Jackson than in the time of Buchanan, Lincoln, and Hayes; nor can we agree with him in many of his examples of the "exercise of substantial power" to the disturbance of the true constitutional relations of the Government.

We will briefly examine some of them. Leaving aside the question of its wisdom, is it clear that the Libel act of 1798 was contrary to the Constitution? That malicious libels fall within the body of offenses that may be punished by law as crimes, we suppose nobody doubts; and if Congress can, by law, protect the persons of the President and its own members against unlawful violence while engaged in the performance of their duties, why can it not, in like manner, defend their characters and good names, *quoad* their offices, from malicious aspersion, which is usually far more injurious to the Government than to the persons assailed? If falsely maligning the administration of the office of Governor of the State of New York may be a crime against that State, may not the same thing, done in regard to the office of President of the United States, be a crime against the United States? But we have no purpose of defending the act of 1798. We only suggest that its principles may have constitutional validity.

It is by no means indisputable that "the relations between the Federal and State governments" continued without material change, except as to the tariff, from the time of Jefferson to that of Lincoln. A very considerable portion of the people of the United States, who at last, in 1860, were able to elect the President upon that issue, maintained, we think with reason, that by means of Congressional, administrative, and judicial action the slavery system was being nationalized, contrary to the Constitution and the intent of its founders, and to the shame of justice and Christianity. And, in regard to the tariff, whatever, and however extensive, may be the effect of legislation on the subject, the Constitution distinctly provided that Congress should have power to lay and collect duties, imposts, etc., uniform throughout the United States, according to its own judgment of the general welfare, and that no State should do so without the consent of Congress. It has exercised this power from the very

first, and always with visible effect upon the industries of the country; but who, except the South Carolina nullifiers of 1832, has ever maintained that, in so doing, it was exerting unconstitutional power, or changing the ordered relations of the Government? That such legislation has often been unwise in its arrangement is clear enough; to suppose that it has been aggressive in respect of any right of the States, is quite incorrect.

That Congress had power, under the original Constitution, to establish a national bank or banks—once a matter of great political dispute—was decided by the Supreme Court, in 1819, when Marshall was Chief-Justice, all the six associate justices concurring. They were Washington, Johnson, Livingstone, Todd, Duval, and Story—great names. Where, in any country or in any time, could a more learned, upright, or independent tribunal be found? It is one of the constant incidents of every civilized government, that neither the demagogue, the philosopher, nor the rhetorician can ever get rid of, that every question of difference must be decided by somebody according to prescribed methods. This was such a question, and it was so decided, and the successors of those great judges have adhered to that judgment. The people, who at last can, by constitutional means, control everything, could have caused this decision to be overruled. They have not done so; and the opinion of Chief-Justice Marshall stands to this day a great monument, marking one of the boundaries between Federal power and State rights. The question of national banks, then, becomes one of legislative policy merely; it is not at all one touching the equilibrium of governmental powers.

The act of Congress relating to telegraph lines simply authorizes all telegraph companies to set up their lines in the public domain, public waters, and along the post and military roads of the United States, and requires them to do service for the Government. Under this law the Supreme Court has decided that a State cannot prevent a company of another State from so doing, any more than it could under the same circumstances prevent a natural person. The doctrine simply is that Congress may constitutionally authorize and defend the construction and use of the telegraph along its post roads, etc. The phrase "establish post-offices and post roads" in the Constitution was evidently designed, and has always been construed, to authorize provision for the transmission of intelligence between different

parts of the country by means suitable to the object—a thing essential to the unity, security, and welfare of all the States. At first it was done by a peaceful "man on horseback," along woodland paths and over corduroy roads; then in coaches along great highways and turnpikes; later, the railway and the steam-ship in a large degree superseded these earlier and less effective means; and at last the mysterious and tremendous forces of nature herself are tamed to the control of man, and, annihilating space, serve obediently in the great processes of civilization, progress, and peace. Will it be seriously maintained by those who stand always for the preservation of the separate rights of the States—and the writer of this article claims to be one of the most earnest of them—that Congress has in this respect passed beyond the boundary of its powers? It is thought not. On the contrary, it is believed that the great body of the people of every State hold to the doctrine that it was the plain and wise design of the founders of the Government that no State should have the power to establish within its borders any monopoly of the transmission of intelligence; and it is to be hoped that the day is not distant when the postal telegraph will exist in every city and village of the country.

In respect to the laws of Congress making "regulations about the manner of holding elections for representatives" in Congress, and the complaint of the accomplished and patriotic writer of the article referred to, that Congress has authorized United States marshals "to prevent fraudulent voting, and to arrest persons guilty of it, whether the voting be for State or Federal officers," it is true that Congress has passed laws intended and calculated to protect the lawful right of all qualified citizens to vote for members of Congress, and their right to have all lawful votes counted and truly declared, and all unlawful ones rejected. This great and fundamental privilege and duty of citizenship, on which the safety of the States and people chiefly depends, was recently declared by a great party, with astonishing correctness, to be the "right of all rights"—if we remember the phrase correctly. And yet the same party, which has been often more than suspected of profiting by violence, tissue ballots, false returns, and other methods analogous, resisted the passage of these laws by every means in its power, notwithstanding the Constitution declares that "the times, places, and manner of holding elections for senators and representatives shall be pre-

scribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of chusing senators." It must be said, however, with great respect, that Congress has *not* authorized the arrest of persons guilty of fraudulent voting, "whether the voting be for State or Federal officers." It has only authorized the arrest of persons guilty of fraudulent voting for members of Congress. Nor has it authorized the inspection of any registration, ballot, vote, box, or tally-sheet, other than those relating to members of Congress. If any State has chosen to have one registration, one box, one ballot, and one tally-sheet book for State officers and members of Congress, it follows that the officers of the United States must inspect them—unless the whole thing is to be a sham—until either the State or Congress separate the State and Congressional elections entirely. How then has Congress transcended its clear powers in these respects? And if it has not, where is the invasion of State rights? (See *ex parte* Siebold, 100 U. S. Rep., 373.)

The legislation of Congress to enforce the recent amendments of the Constitution, and also for the removal to the Federal courts of the criminal cases in which the revenue laws are drawn in question, is also made the subject of animadversion. Our space does not admit of a discussion of these topics. In the cases of Tennessee *v.* Davis, 100 U. S. Rep., 258; Strander *v.* West Virginia, *ib.*, 303; Virginia *v.* Rives, *ib.*, 313; and *ex parte* Virginia, *ib.*, 339, they are exhaustively considered, and these acts of Congress held to be constitutional upon grounds which we think will commend themselves to the good sense of impartial men. The perusal of these cases, and of those from which Mr. Field has made extracts, will be interesting and valuable to all intelligent citizens.

Neither do we think it needful to again debate the justice or validity of the reconstruction acts of 1867. They were passed by a patriotic Congress at the close of an unpatriotic rebellion, and provided for the peaceful restoration of the rebellious State governments to their original relations in the Union, when the liberties and equal rights of all their citizens should be made secure under the great shield of the Constitution of the United States; they have been confirmed by the people and the States in four presidential elections, and, in their chief character, recognized by the Supreme Court.

That the executive has sometimes exceeded his powers in the arrest and trial of citizens by military commission, as in the

case of Milligan, and in the removal of persons from office without the consent of the Senate, as in the case of Secretary Stanton, just as Congress and the State legislatures have sometimes exceeded their powers, and as courts have sometimes decided cases erroneously, is no doubt true; but it is not easy, by any system of government yet discovered, or through any party yet formed, to prevent such accidents entirely. Intelligent discussion and the power of a people really desirous to enjoy freedom under law will always reduce these misfortunes to a minimum.

The "two observations" of Mr. Field on these laws of Congress are: *First.* "That these acts are, in themselves, a displacement of State power far beyond anything written in the early days of the Constitution, and probably far beyond anything then thought to be possible." *Second.* "That the theory on which they rest would, if carried to its logical result, lead to the practical absorption in the general Government of all the chief functions of sovereignty."

The first of these observations is, as it respects some of the acts of Congress, undoubtedly true. It was not written in the first Constitution that Congress should have power to prevent and punish the enslavement of human beings, or to defend and protect the universal equality of the civil rights of citizenship, or to guard the political right of voting against distinctions founded on race, color, or previous condition of servitude. All these were, at first, reserved to the States, but from the seed planted by the war for slavery grew the beautiful tree of universal liberty and equal rights, whose roots are struck deep in the nourishing soil of the amended national Constitution, and are watered by just and equal laws, and whose branches, though they kiss the skies and overspread a continent, no storm of party or of faction will ever overthrow. This was, indeed, an increase of national and a diminution of State powers, but it was beneficent, and it was in harmony with the great purposes of the founders of the Government, and it was accomplished lawfully in the way that the Constitution itself provided.

The others of these acts of Congress, aside from the reconstruction acts, have been held, by the tribunal provided in the Constitution for the decision of such questions, *not* to be "displacements of State power," and one of them—perhaps the most important—was the law of 1833, for the removal into the national courts of criminal suits, as well as civil, against customs officers,

when the defense was rested on the laws of the United States, recommended and approved by President Andrew Jackson, and extended so as to include officers of the internal revenue.

The fact that all the laws were not enacted immediately after the adoption of the Constitution furnishes no ground for the claim that new laws are departures from its letter or spirit; new circumstances, new wants, and new dangers must be dealt with as they arise.

We are not able either to see that the theory on which the acts mentioned rest leads to the dangerous results supposed. What is this theory? It certainly is not that the vast aggregate of powers reserved to the States is "police power" in any sense in which courts, Congress, or the President have understood these words, though some of these powers are police powers. The powers of the States, except as to the structure of the national Government and their rights under the Constitution as between each other, are innate. They come from within and not from without; but the powers of the created *government* of the State are not innate. They are usually conferred by the collective body of the people by a written and measured authority. The Constitution of the United States and the constitutions of the States emanated from the people, who in both cases are the source of power. The powers of the former are described by enumeration; of the latter as a residuum. The former are bestowed by all for the benefit of all, and the latter reserved to each separate part for the use of that part, or "to the people."

The theory of such of these acts of Congress as we refer to is, so far as the present question is concerned, that the Constitution, by the grant of the people and the consent of the States, vested in Congress the power to act on these subjects, and that in the judgment of Congress the public welfare demanded the particular action taken—that is all. True, there is a wide but not unlimited latitude in the choice of means, which may be, and doubtless sometimes has been, abused, but such abuse shows a personal failure on the part of the members of Congress and the President, parties to it, in the performance of a constitutional duty, and has no relation to the intrinsic constitutional theory of the act itself. If the means were constitutional, the exercise of such powers thus granted is no evidence of a right or claim to exercise other powers of even a precisely analogous kind, for the analogous power may not have been granted. The constitutional theory of these laws rests on authority conferred. That existing,

they do not violate the Constitution—as in case of the tariff, for instance—from the fact that the motive of the law-maker was "to foster one branch of industry at the expense of another." The sum of the matter is that no exertion of constitutional power can be "centralization" further than the Constitution itself is "centralization." So far as that goes we go. Where that stops we hold fast to State rights.

It is, we think, but too plainly true that there have been many recent instances of bad legislation and attempted legislation, some constitutional, but wasteful and extravagant,—like the grants of money in the river and harbor bills, which seem to thrive in proportion to their grossness,—and some extremely dangerous in principle, not to say plainly beyond the powers of Congress,—like the recent paper money re-issue legal tender act passed in time of peace, the health laws, and the measures attempted by the two houses of Congress to draw to themselves the unrestrained power of controlling presidential elections, to cramp and obstruct the constitutional power and duty of the President in the execution of the laws, and to force him to sign bills containing changes he did not approve in the laws, at the peril of being left without money to carry on the Government at all. Some of these have already met with the condemnation of the people in the last elections. Others, it is hoped, will be consumed in the furnace of judicial scrutiny; and all, may we not believe, will finally disappear, in the light of the free discussion and intelligent reflection of the people, in their character as responsible citizens, both of the States and of the United States? Communities, States, and sections are becoming more and more homogeneous, more and more intimately related to each other in interest, in hope, and in affection. Education spreads, and the peaceful liberty of law and order carries its banner nearer and nearer to the home of every man in the republic. In such a case, there can be no danger to State rights or national rights that will not be easily averted. The rights and the means of vindicating them are in the Constitution itself. The impulse and the power rest with the people. There is a very old and famous saying, that "England can never be ruined but by a parliament," and it can be said of this country that our complex but harmonious system of free government will never go much astray from its orbit, or sink, like a burned-out meteor, into its grave, without the act of the people and of the States.

GEORGE F. EDMUNDS.

THE IDEA OF THE UNIVERSITY.

THOSE who watch the progress of higher education in this country are aware that a great deal of talk is current about the University, as distinguished from the College. The former term, used with caution twenty or thirty years ago at Cambridge and New Haven, is now freely employed in both places, and the ideas which it implies are recognized as important, with more or less heartiness, and more or less vagueness, all over the land. Generous gifts have been made for the establishment of university funds, and noteworthy changes have been introduced into the study-plans of the older institutions; new foundations have been laid; schemes of post-graduate work, some of them attractive and some of them repellent, have been announced in a score of places: the terms of the Master's degree have become more strict; the degree of Doctor of Philosophy has been introduced; efforts have been made to raise the standard of professional instruction in all the faculties, and the advancement of science has been favored by the establishment of astronomical observatories, laboratories of chemistry, physics, and biology, and museums of geology, archæology, ethnology, and art.

This growth of the university idea is not restricted to any region. Methods introduced into the University of Virginia, half a century ago, still exert a strong influence in the South and South-west. The universities of Michigan, Wisconsin, Minnesota, California, and of other western States, are illustrations of the popular demand for something more than a college. Successful and unsuccessful attempts to establish universities in New York, Philadelphia, Baltimore, Washington, Albany, Troy, Cincinnati, Chicago, St. Louis, and Cleveland proceed from the same aspiration. The fruitless discussion of a national university, a few years ago, indicates this desire, and so do the gifts of Cornell and Vanderbilt; while the foundation of Johns Hopkins has given

an exceptional opportunity for promoting those ideas which its authorities regard as essential to a university.

It is not strange that with all this variety of effort there is some confusion of ideas, beginning with the nomenclature which still speaks of Harvard and Yale as colleges, while it designates as universities, feeble institutions scarcely known beyond the counties of their origin. The appropriate methods of work are also confounded. Students are admitted, and are even invited, to the freedom of university life, who have never pursued a collegiate course, and could not be accepted as regular students by any respectable college. Degrees lose their significance. Worse than all this,—the obligation which rests upon every scholar to advance the science which he professes is too often forgotten or neglected.

It is not so in Europe. The idea of the university is there recognized as distinct from the idea of the college. Universities are above and beyond colleges—they have prerogatives and duties which do not pertain to colleges. Their rights are rigidly protected, as their duties are clearly defined. But among Americans, a tendency to exaggerate, "to discount the future," to bestow titles by brevet, to cherish great expectations, has led enthusiastic friends of education to use the largest word in the vocabulary of pedagogics as synonymous with a word of a totally different meaning, till the confusion is so great that every writer on this subject, and every advocate of university ideas, must indicate what he considers as included in the term he employs.

There are some who consider that the chief function of a university is the bestowal of academic degrees, as in the University of London, without regard to instruction. There are others who argue that "the four faculties" (law, medicine, theology, and philosophy) must be organized for teaching; others assert that the union of all the higher educational agencies of a given region in one associated body will constitute a university. Eclectic courses and freedom of intellectual life and exertion are often spoken of as if here was the true distinction. Sometimes, "endowment for research" is advocated, as if that was the desideratum. It is not uncommon to hear that the success of a university is indicated by the number of students it brings together, or by the capital employed in university work. There are doubtless some who in their silence think that all attempt to discriminate between university and collegiate work is futile; the two names are for one thing.

All these expressions are inadequate. The idea of the university, as it seems to me, consists in the *Societas Magistrorum et Discipulorum;* an association, by authority, of Masters, who are conspicuous in ability, learning, and devotion to study, for the intellectual guidance, in many subjects, of youthful Scholars who have been prepared for the freedom of investigation by prolonged discipline in literature and science.

Institutions which perform this work must be the highest agencies employed in any community for perpetuating, advancing, and diffusing knowledge by the personal contact of teacher and pupil. They supply society with perpetual accessions of highly trained and liberally educated young men, capable of contributing to human welfare, not only in the traditional professions, but in all the complex affairs of modern life which require the application of intellectual force to difficult and often unexpected problems. Universities cannot produce intellects nor transform the weak and feeble into the strong and influential; but they can store the mind of ordinary capacity with the experience of other men; they can enlarge the power of absorbing knowledge; they can discipline the faculties of memory, observation, and judgment; they can inspire the irresolute with noble aims; they can awaken the spirit of investigation and inquiry; they can show how to meet and overcome difficulties; they can prevent needless and fruitless expenditures of force; they can offer to the gifted training without which genius is commonly unfruitful. Those whom they have rightly trained may become serviceable, not merely in the pulpit, the sick-room, and the court-house, but in the school-room, the laboratory, the library, the editorial chair, the publisher's office, the halls of legislation, municipal government, civil service, the bureaus of administration and construction, the exploration of new lands, the prosecution of surveys, the conduct of great and complex industrial and commercial enterprises, and especially in the advancement of science. There is no limit to the callings to which the university may lead; there is no limit to the number of well-trained men which a thrifty young nation like ours can profitably employ,—but the overcoming of difficulties must be the work to which they have been wonted.

If this view is correct, it is obvious that libraries, observatories, and laboratories will not constitute a university unless they are attached to professorial chairs. Periodicals, books, and

letters sent out from a seat of learning will never take the place of living examples of study and research. It is the quality and not the number of students which will mark success. The perpetuation of what has been known is but one function of this associated work. Instruction by investigation is the key-note of university life.

Now, the organizations by which this purpose can be secured may vary very much, but it is safe to say that the idea of the university will be worked out in this country by methods which are adapted to our institutions, civil and ecclesiastical, and to our times. The American universities will have their own form — not modeled upon the English, the Scotch, or the Irish foundations, nor upon the German high-schools, in which so many young American professors have been taught, nor upon the French, Italian, or Dutch examples. The attempt to transplant or to closely imitate any one of those institutions, however excellent it may be in its place, would have but a slight chance of success. Good ideas can be derived from European universities of every type, but the American university, like the American college, and the American public school, is likely to be the product of American thought adapted to American needs and American ways. An indigenous and not an exotic plant will thrive best in our climate and on our soil. The proposition that Germans should plant a German university in this country will not probably be greeted with much favor by the citizens of either land,— nor the like proposal to found a Hebrew university. We may go farther than this, and expect that our universities will differ from one another in organization, comprehensiveness, and resources even more than the colleges. It is doubtful whether any two will be alike. There will be among us no control of a central government, as in France and Germany; no historic exemplars, as in England; no voluntary association or council of education having extended authority; and so American ingenuity, independence, indifference to conservative traditions, and love of variety will devise in different places manifold agencies and combinations of agencies for the promotion of the higher culture.

The history of our older colleges indicates in the past a healthy growth, well adapted to the new circumstances of a new country, and foretells in the near future still broader developments, in full accord with the advancement of knowledge, the

increase of wealth, and the multiplication of pursuits which call for high intellectual power.

Take a conspicuous example. The institution at New Haven (well spoken of by a son of Harvard on a recent occasion as "national") was at first an idea, and that only, in the minds of Davenport, Hopkins, and other founders of the colony. After three-score years or more, the idea took the form of "a collegiate school," without at first a local habitation or a proper name. This grew to be "a college," with its fixed curriculum—a discipline of the intellect and the heart—so satisfactory as to draw pupils from every part of the land, so exemplary as to be imitated (even in minute details) by scores of more recent foundations, and so good in itself, that it would be hard to change it for something a great deal better. In the third half-century of its life, schools of professional and technical education were grafted upon the stock of what was called "the college proper," and more recently funds have been provided for the advancement of science and for the instruction of advanced scholars who are neither under-graduates nor professional students. Already there are indications that before the close of this century, the "idea of a university," which Davenport brought with him from the University of Oxford to the wilderness of Quinnipiac, having passed through the stages of the simple collegiate school, "the college proper," and the college with professional and technical schools attached to it, will have the dignity, the liberality, and the comprehensiveness of a well-endowed "university." The history of Harvard shows quite as distinctly as that just sketched how steady, vigorous, and promising has been the development of the oldest and richest of American foundations. But whatever be the form which the idea of the university assumes, whether it be developed from the collegiate germ, as at Harvard and Yale, favored by the long line of historical associations and the assured patronage of those great foundations, or be embodied in some new and unfettered organization, there are certain principles which the experience of the world seems to indicate as favorable to success.

In the first place, universities must include or must rest upon colleges. By this is meant that before a scholar is fitted for intellectual freedom, he must submit to severe and prolonged intellectual discipline. Untutored minds may think as they can and think as they like—and now and then a genius will appear among

them who far transcends all ordinary thinkers,—but, as a rule, the thoughts of the untaught are of little value, because they do not know what others have thought. They sometimes produce works of imagination which delight their readers, or move them by expressions of eloquence and piety, but they seldom add to human knowledge or rise to positions of extraordinary responsibility. From the beginning of his teens, the boy who is destined to an intellectual career requires for several years to be under the watchful eye and the experienced hand of the ablest teachers whose services can be secured. He may evince more talent in one direction than in another, but he is not competent to determine what course he ought to follow. At this period it is as foolish to leave him to his own choice alone, as to send him to sea without charts and a compass. He needs an adviser all the while. Without constant help, from a prescribed curriculum or from wise counselors to whom he has easy access, he will fail to form right mental habits; he will miss the proper order of his studies, and will waste his time, force, and money.

As the world is to-day, and as it has been since the revival of letters, the boy who is destined to the life of a scholar cannot escape the early study of Mathematics, the foundation of science, and Language, the foundation of the humanities; and long before he takes up his Euclid or his Virgil he should begin the study of Nature, and learn to observe her manifold phenomena. It is not until he has acquired the elements of linguistic and scientific culture, and the principles of ethics and politics, that his mental and moral character will be matured enough for the career of a university. After this sort of training has been followed through his teens, the youth and his friends will know whether he is disposed toward higher studies, and, if so, whether he should continue to pursue the liberal arts in a department of philosophy, or should enter upon the more technical discipline of a professional school. He may now be considered as having reached the commencement of a scholar's life, and be admitted to a first academic degree. Three years or more of university study should follow his collegiate life and precede his admission to a learned profession, or to his assumption of the title of an independent teacher. During this advanced period he should be led to the investigation of old problems and new; he should master the most difficult art of using a large library, and of weighing authorities; he should raise inquiries to be determined in the laboratory; he

may prepare an elaborate thesis for publication; but in all this he will still need guidance. He will require the living example of a teacher who is always learning; he must observe how the master asks and seeks to answer knotty questions; how he brings the acquisitions of past ages to bear upon problems of immediate interest never before encountered; he must try his own powers under the supervision of criticism which is both severe and friendly; and thus he may advance to a second degree in the fellowship of learning, and become, in the truest sense, a Master of Arts or a Doctor in Philosophy, Medicine, or Law.

If these remarks are correct, it is obvious that the growth of American universities is not to be promoted by the abandonment of colleges. Their courses of study will be recognized as more important than ever, because they lead to higher work. If a new university is founded, it must look for pupils among the graduates of the existing colleges, or must maintain its own collegiate staff. If an old university gives up its collegiate department, it must expect to find in the high schools and endowed academies of the country young men who are adequately prepared for university pursuits.

But at present the relations of collegiate and university work are confounded. Students rejected at the entrance examinations of an ordinary college, because they are lacking in elementary knowledge and in mental discipline, may be and are received to so-called university departments, and allowed to graduate in professional studies two years before their better-trained comrades have reached the baccalaureate. I do not remember in all the land a school of law, medicine, or divinity which demands a collegiate education or its equivalent as the condition of admission to its courses, or an examining body in any one of the three professions, or in any part of the United States, which prescribes a college training as essential to a license. We might suppose that a college diploma would by public opinion be regarded as at least necessary for the master of a high school or a grammar school,— but not even that is expected. Thus to a certain extent the university tendency has been unfavorable to colleges.

It is not surprising that, if the names of colleges and universities and the relations of their work are confounded, there should be negligence also in the bestowal of academic degrees, —not, indeed, at the best institutions, but under names and

auspices which simulate responsible authority. The abuse has gone so far that within the year a manufactory of fraudulent diplomas, for which there was a European demand, has been broken up in Philadelphia by the bold and enterprising exposures of one of the newspapers. It is not easy to see how academic honors can be restored to value in this country until some reform is secured. The usage of other lands, that universities alone bestow degrees, is not the survival of a needless form; it signifies that the test and approval of scholarship shall not depend upon private instructors alone or chiefly, but that he who aspires to academic honors shall be examined and commended by those who had no part in his tutorial care. He shall win his rank in the broad arena of a university, not within the restricted walls of a college. The formula by which, in the older colleges, the president on commencement day asks the public consent of the corporation before he admits to their degrees the candidates commended by the faculty, perpetuates this idea — to which additional significance might be given by including in the board of examiners those who had taken no part in the instruction of the aspirants. In one place, the experiment has been tried of inviting professors in other institutions to set papers for the examinations in Greek, Latin, German, and French, and to give their opinions upon graduating theses; and the influence of this plan upon scholarship has been found satisfactory.

I have endeavored to give emphasis to the idea that there is a legitimate distinction between the earlier and later stages of a liberal education — the stage of discipline and the stage of guidance, the period of rules, tasks, and control, preceding the period of stimulating and quickening aspiration; but there is no doubt that both methods of training are in some degree appropriate throughout the academic life. There are likewise two sorts of professors — those who are best fitted by their patient and exact habits of intellectual action, by their well-stored memories, and by their logical modes of expression, to drill the classes over which they are placed; and there are others who have a gift for investigation, who are acute in thinking of important questions to be settled, and ingenious in devising the proper methods of solution — who delight to apply the touch-stone of truth to every doctrine, and to carry the light of modern science into fields where it has never been applied. In extremely rare cases, both sorts of power are found in one individual.

The disciplinary method of a college calls for men of high social, mental, moral, and religious character, for they are to be concerned in molding the dispositions of young men, and in forming their habits at a most critical period of life, when the parent relaxes his authority and the youth has not learned to govern himself. It requires as professors those who were born to be teachers, who delight to deal with youthful minds, to inspire them with lofty motives, to train them by the best methods, to emancipate them from the slavery of sloth, to set before them noble examples, to cherish their faith. The lessons to be inculcated during a college course include obedience to recognized authority, the performance of appointed tasks, punctuality in meeting all engagements, and the development of physical vigor, as well as the acquisition of positive knowledge and the clear expression of thought. Such discipline admits of little freedom; but restraints, if wisely adjusted, are found to be as welcome to the scholar as they are to the athlete.

University methods, assuming that the students have already received this earlier discipline, that they are in earnest in the acquisition of knowledge, and that their characters are nearly formed, require less rigid processes of education. Opportunities, advantages, assistance are freely provided, but the benefit derived from them must depend upon the individual. He may fail of his degree at the end of his course, but his daily deficiencies will not be charged against him. He may forfeit the confidence of his teachers, or even his membership in the university; he may fail to equip himself for his chosen career; but he will not be forced to learn his lesson or subjected to petty penalties. He must meet as he does in life the rewards of his own conduct. Nor will he be kept back by the neglect or dullness of his comrades. The fleetest of foot may travel as he will, without being hindered by those who are fettered.

It is clear that, while universities require as professors many good teachers, they also afford careers for minds of a different order. Men who have no skill in training youthful students, who have no sympathy with their difficulties and no patience in the requisite routine of collegiate instruction, may yet be most serviceable in the prosecution of scientific research, and very capable of giving aid to those who are already strong enough to walk alone. There is a sense in which it is true that the best of all teachers is the original investigator. His methods are not

adapted to beginners. His followers may be few. But if his mind is endowed with rare qualities which have been assiduously cultivated under favorable circumstances, he will exert a powerful influence upon those who are able to follow him; he will incite his fellow teachers to constant activity; he will draw around him other superior minds; he will bring enduring renown to the university of which he is a member.

It is not enough that a university should have an able staff of professors, but they must have the opportunity to do the very best work of which they are capable. Leisure is one of these conditions—not idleness, nor dissipation, but that frequent release from appointed duties which brings with it repose and opportunity for unobserved work. Severe and abstract thinking demands freedom from interruption—time to gather up and reflect upon accumulated thoughts in order to perceive what new relations may be discovered among them. Writing for publication requires a great deal of labor. A scholar may be hard at work when he seems to be doing nothing; what is called absence of mind may be the opposite; it may be a separation of the intellectual faculties from the outside world, and their concentration upon ideas. The story of Newton's forgetfulness as to whether he had dined or not, often repeated of other scholars, is a natural illustration of that indifference to physical circumstances which may mark a scholar in command of all his forces, as it does a general on the field.

Service is quite as important as leisure to the scholar. He must be required to keep his armor polished and his muscles pliant. Regular duties, exacted of him in some position of responsibility, will counteract the mortal tendency to indifference and sloth, and to misdirected reflection. Of all the forms of service which a scholar can render, none tends to keep him brighter than contact with young, bright minds. Their enthusiasm, their curiosity, their ambition, will wake him up, if he is sleepy, or else desert him altogether. A company of learned men, free from responsibility as teachers, may form an academy of sciences; but they will not make a university.

The printing-press is a third requisite. Means of publication should be liberally provided for the teachers of a university, and they should be encouraged to employ this agency with freedom. It is commonly understood that the observations of an astronomer are of no value until they are published, and equally that there

can be no popular sale for them when printed; but it is often forgotten that, in every department of scientific activity, the most profound and important work is of immediate interest to the smallest number of readers; and its publication must, therefore, be encouraged, not by the usual agencies of the trade, but by special funds, appropriations, and subscriptions. Indeed, a gift for the advancement of science in this country might well be directed to the establishment of a fund for the publication of original memoirs, auxiliary to that of the Smithsonian Institution, or supplementary to the funds of some of our academies. The knowing ones could tell of more than one paper kept back from the public because there are no means with which to pay the printer; of more than one valuable memoir sent abroad to be printed, because there was no place for it at home; of many that are here printed at the expense of the author. It is only when submitted to criticism that the work of a scholar is appreciated. It may be abstruse. Its practical bearings may not be apparent. It may have no value in the eyes of Philistines. But if it be honest work, in a good method, on important subjects, by a mind of acknowledged ability, it will be recognized by those who are capable of judging it.

Instruments are indispensable to the professors of a university —the latest and best which can be procured. The literary man demands his books, journals, plates, maps, as truly as the scientific man his lenses and his balances. We sometimes hear it said that hitherto there has been in this country a tendency to give disproportionate sums for the construction of buildings and the purchase of material things. This is doubtless true; yet everybody will admit that a library is more likely to be preserved and to grow if it is kept within safe walls; that the work of a chemist, a physicist, or a naturalist cannot be prosecuted without a laboratory; that collections of minerals, plants, animals, antiquities, and works of art are enhanced in value when fitly exhibited; and that residences, gymnasia, and halls of instruction and assembly are needed by every company of scholars. If the English universities are mentioned, we think of their historic towers, their spacious libraries and museums, and their well-kept grounds quite as quickly as of their Newton and Milton. It is only when buildings are in advance of the needs of an institution, or involve the use of funds required for other purposes, that their construction is to be regretted. Most of the older colleges in this country,

and some of the younger, have within the last twenty years received generous gifts for buildings, and there are very few cases, if any, where the new architecture has been extravagant or unnecessary. Still, so much has been done in this way that we should now anticipate a period when gifts will be less frequently made for construction and more for the promotion of instruction and research.

In addition to leisure, duties, instruments, and means of publication, a professor needs pay. Social position he is sure to win; academic honors, in the form of titles and the membership of learned bodies, are likely to be his lot; but more substantial rewards are also his due. People are apt to forget that scholars are susceptible to the same motives as other men; money is just as useful to them as to anybody. A sense of duty, responsibility, obligation will, indeed, make them faithful; the love of knowledge will lead them to severe and protracted labor; the responses of their pupils will be a rich reward; but they are entitled to more than this — to emoluments increasing with their attainments and reputation, like those of the successful lawyer, physician, clergyman, and man of affairs. A clergyman, near Boston, referring not long ago to an increased salary which was offered him, said, in substance, "To me money means books, leisure, health, freedom from anxiety, greater power to work." That is what it means to a university professor. Intellectual force expended in writing "pot-boilers," in lecturing under adverse circumstances to winter lyceums in the country, or in undue anxiety about domestic economy, is force withdrawn from higher labors. It is bad educational economy, justified, indeed, by necessity, but not to be recommended. On the other hand, power to buy books and scientific journals for command in one's own working-room, to employ assistants, to attend literary and scientific conferences, or to visit other laboratories, collections, and countries,—such power is capital well invested and yielding income. The classical scholar who can occasionally go to Italy and Greece; the geologist and botanist who can, at his pleasure, take the field; the historian who can command the libraries of London and Paris; the astronomer who can look through other glasses and through other atmospheres than his own, has, by these very opportunities, advantages which do not supersede but enhance the value of his quiet and unobserved hours of thought and study at home. The community has taken

a missionary view of the college professor, and encouraged him to seek reward in the depths of his own conscience and the profounder hopes of the kingdom of heaven. It is not proved with the certainty of even probability that a missionary is any better servant of the Church when kept on spare diet, or prevented from seeking the relaxation which is essential to his health; but it is absolutely sure that a scholar cannot maintain his brightness, his enthusiasm, his susceptibility to good influences, and his fertility, if he is oppressed by anxiety as to how to pay his grocer's bills. Plant in two fields two measures of the same corn, and if you wish to be disappointed, look for your richer harvest on the thin soil of a granite hill-side, where the snows linger late in spring and the rains run rapidly off in summer.

In estimating the pecuniary returns which are due to an eminent professor, it should be borne in mind that his talents, if concentrated on the production and introduction of text-books, or devoted to technical pursuits, or to the practice of law, or medicine, or even to the pastoral charge, would be likely to reap a rich reward; and if society wishes that men of talent should forego such opportunities, equivalents must be offered. Probably no form of pecuniary aid is more encouraging to a scholar than the surety of a pension. The certainty that, if disabled by infirm health or by advancing years, he will be cared for, or, if stricken down by death in the prime of life, that his wife and children will not be penniless, is a high reward. Within a short time, two men of European reputation have declined to come to America on larger salaries than they have ever received, assigning as reasons the certainty of pensions if they remained at home.

It is obvious that universities are enormously costly. They are the product of highly civilized communities, where large sums of money can be devoted to the promotion of abstract science, and the employment of men of uncommon intellectual ability in the solution of the difficulties of mankind. There is no limit to the amount of money which they can legitimately employ, and which, as the years roll on, they will liberally repay to society by the contributions they will make to the welfare of man and to his intellectual delights. The sciences flourish best when promoted in close fellowship—cultivated, as the wheat grows, upon broad acres, and not in gardener's pots. The professors are quickened by each other's activity, are helped by each other's

knowledge. Every new laboratory derives assistance from all the others, and each new department strengthens all the rest, for, on the altars of learning as elsewhere, coals blaze brighter when they touch. Nowhere is this precept more apt,—"To him that hath shall be given, and from him that hath not shall be taken away even that which he hath." The concentration of resources around a nucleus which is full of strength is the way to promote the higher education. Already the scattering of our forces among many feeble foundations called universities has retarded the advancement of knowledge and the advancement of scholarship. It is time to protest against these "will o' the wisps," which drag their followers into quagmires by the semblance of light.

Gifts bestowed upon well-established institutions are among the safest investments which can be made, either for public service or private renown, or the promotion of specific purposes. The best financial counsel of the community is usually at the service of a well-endowed college; and there is a sort of mutual assurance in the various invested funds which gives to them desirable security. Seats of learning are essentially conservative; they are slow to run risks or enter upon dangerous experiments, and their managers are usually men of probity and fidelity. Such foundations may claim to live for all time, and to be more anxious for the security of their investments than for any sudden addition to their income. As a rule, they are, therefore, the best trustees which society offers for the preservation of funds.

The head of an Oxford college not long ago expressed to an American visitor his wish that all specific endowments might terminate within a very limited period—so alive was he to the awkwardness and discomfort of garbs prescribed by donors who never once thought it possible that such dresses would go out of use. Endowments for the promotion of different branches of knowledge are likely to have a more permanent value than buildings, but they should be free from all petty regulations. The liberal Californian who has just offered the sum of seventy-five thousand dollars for the endowment of a professorship in that stanch but much-buffeted institution, the State University, has set an example which may be everywhere commended, not only for the amount of his gift, but for its freedom from restrictions.

These, then, are the points to which we call attention. The idea of the university does not depend upon the name. It makes no difference whether Yale and Harvard are called by one designa-

tion or the other; they are known to be places where university education as well as collegiate can be acquired. The glory and the activity of a university depend upon the professors. The difficulty which is now felt at home and abroad is to offer resistance to the attraction of money-making, and induce those who are fitted for advancing the highest departments of knowledge to pursue the university life. The university requires a different sort of teacher from the college, because the methods employed are essentially different. The earlier stages of a liberal culture depend on discipline; the later on inspiration. Hence, a college requires professors who love the pedagogic work, who are skilled as teachers, and who will exert a strong influence on the development of the character of their pupils; the university may be less exacting in these respects, and seek for professors whose pedagogic value will consist to a very considerable extent in their power to add to human knowledge, and the corresponding and inseparable power of interesting the highest class of youthful minds. Sometimes capacity for discipline and for inspiration will be found in the same person; but the instances are rare, and should be valued like pearls of great price. Universities cannot thrive without collegiate foundations, and must either maintain their own under-graduate departments or encourage those which are found elsewhere. Universities are so costly that but few of them can be liberally maintained in any country, and if Americans desire to see them bloom to fruitfulness among us, they must nurture well the few sturdy plants which are already growing. Thus we shall not only preserve the idea of the university but secure its reality—a place where most learned scholars and most able investigators are associated in the advancement of knowledge and the education of such youth as have been prepared by previous training for the freedom of advanced study.

DANIEL C. GILMAN.

WHY CORNWALLIS WAS AT YORKTOWN.

When Lord George Germaine waited upon Lord North with the news of the surrender of Cornwallis at Yorktown, on the 19th of October, 1781, the minister received it, Germaine says, as he would have taken a ball in his breast, and exclaimed: "O God! it is all over!" It was not merely that a battle, or a town, or an army had been lost; it was the loss of a cause. The final military movement, which had been devised and depended upon for the subjugation of the American Colonies, had failed, and the British Empire was now hopelessly divided.

No wonder that such intelligence came to Lord North like the blow of a bullet. The misfortunes of his country, even when they were not the result of his own stupidity and obstinacy, he could bear with the most good-natured equanimity; but this announcement of a disintegration of empire was the announcement also of the defeat of party. Who could stop to think of the welfare of the people when a cabinet was in jeopardy? Had Lord North ever heard of that habitual prayer, through all those trying years of the Revolution, of a country clergyman in Massachusetts—"Deliver us, O Lord, from Lord North, the Flesh, and the Devil!"—he would have felt almost ready to acknowledge that the most earnest purpose of the petition had been listened to, and that Providence had gone over to the side of the rebels.

Great things had been expected of the operations at the South, which Sir Henry Clinton had left in the hands of Lord Cornwallis at the fall of Charleston the year before. And if the colonies were to be saved, it was obvious enough to almost everybody that a great thing must be done somewhere. Hitherto, exhaustive as the struggle had been, the promise of success was on the rebel side. Except from the Canadian border in northern New York, the war had never been carried inland more than half a day's march from tide-water. The defeat of Burgoyne was of the last

importance, not merely because it was a campaign won on one side and an army lost on the other, but because the interior was saved from the danger of the proposed junction of the armies under Burgoyne and Clinton. It was plain that the rebels had no cause for despair or despondency if their own spirit and their own resources held out, so long as they could thus keep the enemy at bay. It was equally plain, on the other side, that five years of want of success foreshadowed ultimate defeat.

The one chance left was at the South. There the Tory element was larger and more active. The distance from the North and the difficulty of communication were so great, that the rebellious people could place little reliance upon any efficient aid from that quarter, either in men or the munitions of war. The Southern colonies, therefore, it was hoped, could be saved to the Crown, and then, perhaps, the rest be recovered. For, that they were already as good as lost was a conviction making its way in every intelligent mind in England, except the King's,—if his may be called intelligent,—though as yet it was not much talked about.

Accordingly affairs seemed to put on another aspect, at least to the English mind in England, with the successive reports of the progress of Cornwallis in the Carolinas. That the real character of his campaigns was misunderstood, only made the reverse at Yorktown, the next autumn, the harder to bear. It was believed that from the northern boundary of Georgia to the southern boundary of Virginia, he had not merely overrun but had conquered the whole country; that he had aroused a loyal people zealous enough and strong enough to hold it in firm allegiance to the Crown; that over every rebel stood a guard, and the guard was his neighbor, or even several of his neighbors. Rebellion was dead south of Virginia; from North Carolina to New York it was hemmed in between two fires. So it looked in England; to Sir Henry Clinton it seemed that all this, though not yet quite true, might be made so if there were no abatement of effort in that region of country. Cornwallis knew better.

He had tried the experiment of subduing the southernmost colonies by invasion from the South, and it was a failure. He believed it would continue to be a failure so long as communication between them and the North was left open. True, as he moved northward from Charleston with an army of veteran troops, commanded by some of the best officers who had seen service in America, his progress was irresistible. Rebellion was

trampled down before him. He established and he held such posts as he pleased. He scattered, usually without much difficulty, though sometimes at heavy cost, such armed resistance as the country militia could offer. He could rally about him the loyal Tories wherever he went, and could generally rely upon them for destroying their neighbors' property and cutting their neighbors' throats with an alacrity and zeal worthy of the warmest praise. But he also knew that the rebellion trampled down in the van of his troops was not trampled out, but was as lively as ever the moment he was out of sight; that the posts he garrisoned held the country in subjection precisely within the range of a musket or the swing of a saber; that the militia scattered by a charge of his veteran cavalry would be found, very likely, in ambush at the next turn of the road, or would be heard from, when the troops were half-way across the next ford, from behind the trees and rocks on the opposite bank; that the stealing of cattle and horses and crops, the burning of barns and houses, and the hanging and shooting of their owners, would be continued with unremitting diligence—only that as soon as his back was turned actors and sufferers would change places.

Warfare of this character was fruitless and discouraging to the invader. It was even the more discouraging that it was varied occasionally by real battles, which taught the English commanders that these rough partisans of the woods and swamps could be turned into formidable soldiery when they thought it worth while to submit to military discipline. Ferguson, if he aspired to a soldier's death on a well-fought field, could not have found a more honorable one than when he fell at King's Mountain. The campaign may have seemed to Tarleton as exciting as a fox-chase till he met Morgan at Cowpens. When he heard the cry of "Tarleton's quarter!" in reply to the prayers of his men for mercy,—prayers which, it should be said, were nevertheless not unheeded,—he may have reflected that his contempt and his cruelty had been equally unwise. When the news of the battle at Guilford Court-house was received in England, Fox said, in the House of Commons, "Another such victory would ruin the British army." What Cornwallis thought of it he showed by leaving Greene behind him unmolested, on Troublesome Creek, and by marching, within two days, straight for Wilmington. Publicly, he said: "I thought it was time to look for some place for rest and refitment." Privately, he wrote to his friend General

Phillips that he was "tired of marching about in search of adventures."

Such partisan and desultory warfare did not in the least commend itself to his military judgment. The aim of war is not adventures. The subjugation of the Carolinas was no nearer in the spring of 1781, when he arrived at Wilmington, than in the spring of 1780, when he left Charleston. What end could be gained by marching and countermarching for another year through the country in search of Sumter and Marion and Davie, and the other partisan chiefs? He could never find them if they did not choose to be found; but they were never at a loss to know where they could find him. They might disperse or be dispersed, but they could never be disorganized. They might lie hidden, unknown to him, in the depths of swamps, within sound of the neighing of his own horses; yet their communication with each other, wherever they might be, was certain and rapid. The men who to-day were holding the plow or wielding the sickle, would be ready to-morrow to shoulder their rifles at the call of their leaders, ready to hang on his flanks or his rear, to cut off his detachments, or run off his supply-trains into the woods. It was like fighting shadows, the substance of which, however, was felt, though not seen.

From a purely military point of view, this state of things was altogether irregular, and to the purely military man exceedingly exasperating. There were no rules laid down in the books for its management, and it was absolutely subversive of all military discipline. Some captains were hopelessly incapable at the head of companies where every trigger had a brain behind it as well as a forefinger in front. But there were also trained soldiers who were too wise to undervalue this kind of fighting material. Cornwallis spoke of this irregular soldiery as the "warlike militia," and with quiet sarcasm he wrote to Clinton: "The list of British officers and soldiers killed and wounded by them since last June proves but too fatally that they are not wholly contemptible." Morgan understood them perfectly. He wrote to General Greene, not long before the battle of Guilford: "I expect Lord Cornwallis will push you until you are obliged to fight him. . . . You'll have, from what I see, a great number of militia. If they fight, you'll beat Cornwallis; if not, he'll beat you." What Morgan himself could do with them he had shown at Cowpens.

The problem of a Southern campaign was, how to conduct it to a successful issue under such conditions. It was obvious that not much more than the skeleton of a regular army could be sent from the North. So long, however, as even this could be done, and the South be assured of some support from the Congress, and that the good cause was not hopeless, just so long would the fighting men of the Carolinas hold together and rally around such an army, if it were only a general and his staff. But they would hold together after their own methods, and would clothe, also in their own way, the regulation frame-work with the blood and sinew and muscle that would fit it for effective work.

Washington knew that he could do little to help the South, except to help the South to help herself. The policy of her fighting men was to avoid as long as possible any general battle, which, from the circumstances of the case, they could rarely hope to win. What they aimed to do, and what they did, was to harass the enemy at every point; to cut him off and cut him up in detachments; to make the country everywhere too hot to hold him; to render the contest, as Cornwallis afterward declared it had proved to be, "impracticable against the rebellious inhabitants, supported by a continental army."

It was Gates's mistake that he failed to recognize the fact that the defense of the country depended upon the people, and that their aid must be accepted in the way they chose to give it. A late historian of "The Battles of the Revolution" says of that general, that "there is not a redeeming fact during his connection with the Southern army to show his fitness to command troops." The truth seems to be rather that he did not understand there was any Southern army to command outside of his few regular troops. At the battle of Camden he did not know, and, apparently, did not care, what force of militia was present. From his disposition of them, he seemed to think they might be of some use in being killed; it clearly did not occur to him that on this point they might have definite opinions of their own, and would pay small regard to his wishes.

"I think I am giving you a general," Washington said, when Greene was appointed to supersede Gates; "but what can a general do without men, without arms, without clothing, without stores, without provisions?" What could be done it was for the military genius of this Quaker general to show. Neither men

nor means were wanting if they were looked for in the right place and used in the right way. They would have hardly understood him if he had talked about a Fabian policy, for "Plutarch's Lives" had not yet become the *vade mecum* of Southern culture. But they understood his method, and saw how carefully it was adapted to that of Marion and Sumter, and the other leaders of the irregulars of that country. Their confidence in him was unbounded, because they knew he understood what they could and what they could not do, and acted accordingly. His reliance upon them was unswerving, because he knew that performance would keep step with promise where nothing beyond was asked or expected. After the battle of Guilford he retreated in good order from a well-fought field, considering that only about a third of his small army were regulars, and were outnumbered by the veterans on the other side. He lost a battle, but he gained a campaign. His communications were unbroken; his little army on Troublesome Creek, though ragged, and barefoot, and hungry, had lost nothing of its courage and will; his larger army of partisans and militia, hidden away in forests and swamps, or scattered among the plantations, from the Dan to the Santee, was as indomitable as ever.

Cornwallis knew what a contest was with these people when without a general; it was easy to see what it probably would be with such a general as Greene. Had Cornwallis remained in the Carolinas he would not have saved those provinces; but then he would not have lost Yorktown. A similar result would have come, perhaps, in some other way. But that particular result would not have happened had he not relinquished the attempt to subdue the Carolinas as hopeless so long as Virginia was in possession of the rebels, and undertaken, without orders and without consultation with his chief, to carry on the war in another way. When he turned his back upon Guilford Court-house, and his face to the sea, he took the first step on the high-road that led straight to an inevitable catastrophe.

The move to Wilmington alarmed Clinton lest disaster should follow in the Southern provinces. He chose to assume, however, that Cornwallis was ready to march southward again should such disaster seem imminent. But when he learned positively that Cornwallis was about to push forward into Virginia, he avows his disapprobation in a remarkable protest. "Had it been possible," he wrote, in May, "for your Lordship, in your letter to me

of the 10th ult., to have intimated the probability of your intention to form a junction with General Phillips [in Virginia], I should certainly have endeavored to have stopped you, as I did then, as well as now, consider such a move as likely to be dangerous to our interests in the Southern colonies."

Perhaps it was the strain of official courtesy that led to this discomfiture of logic and of grammar. How was it possible that Cornwallis should, on the 10th of April, "intimate the probability of an intention" to join Phillips in Virginia, when he did not know till the 22d of April that Phillips had been ordered to that province? And how, if no such intimation was given because it was impossible, did it happen that Clinton "did then . . . consider such a move as dangerous"? But the truth is, Cornwallis had given a very positive intimation of his inclination in his letter of April 10th, and Clinton is anxious to cover up his own stupidity in not understanding it, by complaining that an intention subsequently formed in accordance with that inclination was not conveyed to him. Cornwallis said in that letter: "I cannot help expressing my wishes that the Chesapeake may become the seat of war, even (if necessary) at the expense of abandoning New York. Until Virginia is in a manner subdued, our hold of the Carolinas must be difficult, if not precarious." Fortunately, this hint seems to have fallen upon dull ears, and was only made to do service as an after-thought, when intention had become an accomplished fact.

Whatever may have been Cornwallis's intention before the 22d of April, he decided what to do the moment he heard that Phillips was in Virginia. He knew that the object of that expedition was to aid his own campaign in North Carolina; he seized upon it as the pretext for abandoning that campaign altogether. He wrote the next day to Lord George Germaine that he apprehended he could not join Lord Rawdon in South Carolina without great hazard, as, should he attempt it, General Greene might hem him in, cut off his subsistence, and render his arms useless; he resolved, therefore, to march immediately and attempt a junction with General Phillips. Four days before, he had discussed the condition of affairs more at length in a letter to the minister. The Tories of the Southern colonies, whose aid had been so largely counted on, were not, he said, nearly so numerous as was supposed, and their loyalty was of no practical value; the character of the Southern country made it impossible for a hostile

army to hold it, and very difficult to reduce it to obedience by a direct attack. "If, therefore," he concluded, "it should appear to be the interest of Great Britain to maintain what she already possesses and to push the war in the Southern provinces, I take the liberty of giving it as my opinion that a serious attempt upon Virginia would be the most solid plan, because successful operations might not only be attended with important consequences there, but would tend to the security of South Carolina, and ultimately to the submission of North Carolina."

In announcing to General Phillips, the next day, his intention to march immediately to Virginia, he says: "My situation here is very distressing. Greene took the advantage of my being obliged to come to this place, and has marched to South Carolina." It is remarkable that it had not occurred to him earlier that Greene was that kind of a man who "takes advantage" of the blunders of an enemy. Colonel Tarleton, in his history of these campaigns, says that "the move toward the shipping in Cape Fear River," after the battle of Guilford, "had prompted General Greene to point his course toward South Carolina." He adds that "the wisdom and vigour" of these movements "deranged all the designs of Earl Cornwallis at Wilmington." If Cornwallis had really had any intention of taking the field again in the Carolinas, he may have now become convinced that he had lost the chance of doing so with any hope of success by his blunder in leaving Greene behind him at Troublesome Creek; that the only way to atone for that blunder and extricate himself from the situation which was so "distressing," was to make the presence of Phillips in Virginia an excuse for joining him, to change the seat of war to that province, and strike there a telling blow.

As it was fortunate that Clinton did not accept the dispatch of April 10th as "an intimation of the probability of an intention," so now, fortunately, when the intention was positively announced in dispatches of the 23d, it was too late for either expostulation or counter orders. Before the letters reached New York, Cornwallis was in Virginia. He relied upon favor at court to sustain him, and referred Clinton, for his determination and the reasons by which he justified it, to copies of his letters to Germaine. No wonder the commander-in-chief was indignant. "As your lordship is now so near," he soon wrote to Cornwallis in Virginia, "it will be unnecessary for you to send your dispatches immediately to the minister; you will, therefore, be so good as to send

them to me in future." The studied courtesy of official correspondence between the two generals was henceforth tempered by an acrimony bitter enough to show that each was quite willing to see the other come to grief. "They were so ill together," says Horace Walpole, "that Sir Henry had owned to Conway that he was determined to challenge Lord Cornwallis after the campaign." When the end came, however, the consequences of their differences had proved too momentous to admit of their consideration as a mere personal quarrel.

Cornwallis arrived at Petersburg on the 20th of May. Almost from that moment, the want of harmony between the two generals led to the confusion which ended in disaster in the movements in Virginia. "Lord Cornwallis," says Clinton, "had forced himself upon me in that province": "Lord Cornwallis thought proper to decline engaging in the plan of operations which I had proposed to him in case he had none of his own." Of course Cornwallis was not without a plan; else why was he in Virginia at all? He had, on his sole responsibility, abandoned North Carolina to Greene; he had left Rawdon in peril in South Carolina, and jeoparded the loss of the whole of that province, as he acknowledged, except the district immediately around Charleston; and this complete change in the conduct of the war he had taken upon himself to make because he believed that those provinces could only be subdued by first reducing Virginia. He would make the war aggressive there, because it had necessarily ceased to be so farther south, and had become defensive merely. And he said: "If our plan is defensive, let us quit the Carolinas (which cannot be held defensively while Virginia can be so easily armed against us), and stick to our salt pork at New York, sending now and then a detachment to steal tobacco, etc." What else could Clinton expect but that Cornwallis should reject all plans except those of his own devising, which he came to Virginia for the sole purpose of carrying out? He had appealed to Germaine for support. To falter now would be a tacit acknowledgment that his case was a proper one for the consideration of a court-martial.

Clinton, on the other hand, believed in the old plan—the conquest of the Southern provinces by direct attack, and as preparatory to the reduction of the more northern colonies, Virginia, and the rest. He had sent Phillips and Arnold to Virginia first to intercept all aid to Greene; and when all should be done that

could be done in this way on behalf of Cornwallis in North Carolina, then Phillips and Arnold were to make a diversion in favor of New York, so perpetually menaced by Washington, by a move to the Upper Chesapeake, which should threaten both Baltimore and Philadelphia. But when Cornwallis came into possession of Phillips's papers,—that general having died of fever a few days before Cornwallis reached Petersburg,—he assumed, because Phillips's opinion had been asked, that it was proper to give his own. He disapproved, he said, of the plan of the commander-in-chief. As a mere preliminary to his own larger plan of dividing the colonies by driving in a wedge of separation in Virginia, he proposed to brush Lafayette out of the way,—"the boy," he said, "cannot escape me,"—and then he would return to Williamsburg to await further communication from the commander-in-chief. No doubt he expected Clinton would submit as before, and that he would have his own way.

Here was the crucial point in the relations of the two generals. Clinton was not disposed to give up his own plan for the conduct of the war, that another, which he did not in the least approve of, might be carried out by Cornwallis. He therefore directed Cornwallis, as he declined to move toward the Upper Chesapeake, to take a defensive and healthful position where a harbor could be secured for line-of-battle ships, and return so much of his force as was not needed for defense of the post, to New York. The positive orders of a military superior must be obeyed; but they can be so obeyed as to hinder, and not to help.

Before this point in the controversy was reached,—when Cornwallis was expecting to have his own way in a campaign for the reduction of Virginia, even, if necessary, "at the expense of abandoning New York,"—he had written to Clinton that he was "inclined to think well of York as a proper harbour and place of arms"—that is, as a base for his own operations; that Portsmouth was objectionable because it could not "be made strong without an army to protect it"; that it was "remarkably unhealthy," and that it could "give no protection to a ship of the line." York, in other words, was the best place for his own purposes, and Portsmouth was the worst on Chesapeake Bay. But when his plan was rejected, and the commander-in-chief ordered him to take such a position as Cornwallis himself had suggested York was and Portsmouth was not, he immediately put his army in motion and marched, not to York, but to Portsmouth.

As in the case of the advance into Virginia from Wilmington, Clinton was not advised of this move to Portsmouth till it was too late to countermand it. "I flattered myself," he wrote to Cornwallis, "that you would at least have waited for a line from me before you finally determined upon so serious and mortifying a move"; and he reminded him that he would find in those instructions to Phillips—by which Cornwallis professed to be guided when seeking to justify himself for rejecting the proposition to move against Baltimore and Philadelphia—that he, the commander-in-chief, had there said, "God forbid I should think of burying the *élite* of my army in Nansemond and Princess Anne!" Perhaps both he and Cornwallis wished, three months later, that it had been buried there.

The repeated orders for the return of troops to New York were baffled by this movement to Portsmouth, and, before the position at Yorktown was taken, the season was so advanced they could not be spared from the work of intrenchment. It was near the end of July before it was decided that Old Point Comfort was not a tenable position; it was nearly the middle of August before all the troops were landed at York and Gloucester. The watchful eyes of Washington—"Mr." Washington, as Clinton was always careful to call him—were on all these delays and blunders of the summer. The intrenching tools of Cornwallis's men had hardly broken ground at Yorktown before the American and French armies had crossed the Hudson, though Clinton did not discover for a week that they had marched southward. Before the end of September, Cornwallis was surrounded in the trap of his own contriving. Before the end of October, the stillness of midnight in the streets of Philadelphia was broken by the cry of a Scotch watchman,—"Past twal o'clock, a cloudy mornin', an' Cornwallis be tak'n!"

SYDNEY HOWARD GAY.

SHALL TWO STATES RULE THE UNION?

"If we intend to remain honest, and to pay the public debt, as good people of all parties do, and if we mean to administer the functions of government, then we must raise revenue in some way or other. With a reunited and harmonious country, we shall certainly in time pay off the public debt, but the necessity of raising money for the administration of the Government will continue as long as human nature lasts. All parties agree that the best way for us to raise revenue is largely by the tariff. So far as we are concerned, therefore, all talk about 'free trade' is folly."—GENERAL HANCOCK.

FOR many years there will remain among the statutes a law for the collection of import duties. It will certainly continue in force until after the payment of the public debt, and probably for a period in the future much more remote. The collection is so distant from the people by whom, as a part of the price, the tax is really paid, that it seems easier of payment than a direct tax, and is, therefore, likely to continue in public favor as a mode of collecting revenue. Assuming that the tariff will be, then how shall it be, and what will be its effect upon party politics?

The important incident in the political contest of 1880 was the abrupt change in the issue joined between the parties. That change was made shortly before the election. It was universal in the North, and almost immediate. The war had been fought over again during the preceding months, and its causes and consequences had been considered. But it was found that the war issue would not do. The people refused to respond in the passion addressed. The embroilment of the sections was abandoned. The eloquent champions of the cause that had been won and settled fifteen years before disappeared from the field. Men of business came to the front. They presided at the meetings. They addressed the people. To the working-men their assurances were positive and confident that, with Democratic success, employment would cease. Intimidation prevailed in the shops and factories.

The Republican party at once sprang from a sinking upon a buoyant platform. It was a feat of the greatest hazard, yet it was successful, and probably saved the result. It was possible only in an organization under perfect drill, and occupying a favorable position, and with an opponent badly located.

At Cincinnati, as at St. Louis, the Democracy declared in favor of a tariff for revenue *only*. The force of the declaration was probably not considered at Cincinnati. Certainly it was not immediately appreciated by the people. But it came to be understood what it was to signify when, everywhere and at the same time, it was assailed as a free-trade sentiment, and opposed to American capital and labor. The impression made upon the public mind by the assault was a strong one, and the Democratic party was driven upon the defensive. It was in October, and there was no time for vindication; the party was put upon explanation and apology.

It was curious, as it was annoying, to observe the unfair uses that it was possible to make of this question in the campaign of that year. Men engaged in the manufacture of wagons in one city, and of plows and reapers in another, were made to believe, and to believe with anxiety and fear, that a reduction of the tariff would close the shops and terminate employment. The fate of the tramp was before them, and the cry of starving children was in their ears. This was in shops where the hard woods of Indiana and Michigan were used, and in which iron alone, of all the material worked, was possibly influenced in its cost by the custom-house duties, and that to the prejudice of the particular industries.

Almost a generation had passed since the tariff had been made the subject of thorough discussion before the people. During that period manufactures had vastly increased, giving the artisan class greater consequence in the politics of the country; and, toward the close of that period, agricultural productions had found a large and remunerative market abroad, bringing contentment, if not satisfaction, to that great interest, under a system of duties highly protective. The opportunity was singularly favorable to the attack upon free trade, and upon the Democracy as its champion.

In future declarations of principles and purposes, political parties will need to be so distinct and clear, in relation to the tariff, that they cannot be misunderstood nor misrepresented.

The adjustment of the tariff has now so prodigious an influence upon the great business interests of the country that uncertainty in respect to it will not be tolerated. It was not unreasonable that the country should understand the expression, "a tariff for revenue only," as excluding all consideration of the wants and interests of business in the arrangement of the rates of duty. It was so understood, and was very damaging to the party that made it. So understood, it was a declaration that, in fixing the rates of taxation, revenue only should be regarded, and that special rates should not be made in accordance with the wants and welfare of particular classes of business. So understood, it was a declaration in opposition to the practice of the Government in important revenue legislation. If tea and coffee should come in free of duty, why? Revenue only being considered, surely a large revenue could be collected from those articles. The protectionist will assign them to the free list because, not being produced in the country, they do not come in competition with any of our products. Because of the same fact, the free-trader will tax them only short of exclusion, because the entire tax goes into the treasury, and no home producer shares in the profits of an advanced price. The better reason for the discrimination is that tea and coffee are food, and very important to large classes that ought not to be taxed upon their food. The exemption is sustained by the same broad and liberal policy that repealed the English corn-laws. But, whatever reason may be given, it is but an exemption, and is a departure from the idea that taxation shall regard no consideration but revenue.

Does the declaration also forbid the free or modified list in favor of science and education, of religion and art? It is a reproach to the country that its commercial marine has disappeared from the ocean, and that our great productions are carried to distant markets under foreign flags. If, to encourage ship-building and the restoration of our commercial navy, it shall be expedient and wise to admit ship-material free, or at modified rates, is the inexorable dogma to hinder? Shall the legislative judgment not consider an interest so important to the welfare and honor of the country, in adjusting the tariff?

In his last annual report, the Commissioner of Internal Revenue suggested that the increased receipts from taxes, and the decreased demands upon the treasury, would enable Congress to relieve the people from some of the internal revenue taxes, and

he also suggested that the reduction should be made from a list, as follows: Bank Checks, Friction Matches, Patent Medicines, Bank Deposits, Bank Capital.

That communication presented to Congress a question of judgment and discretion. In reducing the direct taxes, should that entire list be dropped, affecting the revenue more than ten million dollars, and leaving the burden almost altogether upon whisky, beer, and tobacco; or should but a part of the list be dropped, and if so, what part of it, and upon what considerations of policy? Should the bank checks be dropped? Upon each check the tax is very light, yet it amounts annually to more than two and a quarter million dollars. It is often inconvenient in payment, yet it is usually paid by those upon whom it is no burden. It is an unequal tax. The ten dollar and the ten thousand dollar checks require the same stamps.

Should friction matches be dropped? That, too, is but a light tax, yet its sum exceeds three and a half million dollars. It is an exceptional tax upon a useful industry, and it falls upon the entire people. Shall patent medicines be dropped? They bring nearly two millions into the treasury. It may seem to be a tax upon health, yet it is doubtful if it adds much to the cost as against the consumer.

This is given as an illustration that, in the adjustment of taxes, Congress cannot look to revenue only, but must exercise judgment and discretion, and that, in the exercise thereof, regard must be had to the interest and welfare of each particular object of taxation, and to its comparative importance in the country. The effect of internal revenue taxes upon the cost and marketable character of the articles taxed is direct and immediate, whilst the effect of custom-house duties upon the prices of domestic products is incidental and remote, but hardly less positive and certain. If the demand be equal to the domestic product, and to a like quantity from abroad, the certain and almost immediate effect of the import duty is to add that, or nearly as much, to the cost of the entire supply. The quality being the same, the cost of the imported article, after paying the tax, becomes the market price of the domestic supply. Otherwise they could not occupy the same market field at the same time.

If it be the duty of Congress, in fixing the rates of direct taxes, to consider the effect thereof upon the interests taxed, why is it not equally and plainly its duty, in establishing rates of

custom-house taxation, to consider the effect upon all important domestic interests, although incidental, yet being positive and certain?

The revenues from taxes and duties are increasing, whilst, by the reduction of the public debt and the rates of interest, the expenditures should be decreased, so that at an early day Congress will be able largely to reduce the list of taxed imports. The most extreme and selfish protectionist will not ask that classes of imported goods shall be taxed after such taxation has ceased to be necessary for revenue. What classes shall then be dropped, and assigned to the free list? And what rates shall be fixed upon the retained classes? The rates cannot be uniform. A horizontal tariff is impossible. Both revenue and business would protest. The inquiries made above cannot be answered by theorists. Not by the free-trader, who would substitute direct taxes for the entire list, without indicating the domestic productions that must carry the burden if a deficit should appear after whisky, beer, and tobacco shall have yielded their largest possible supply. Nor by the protectionist, who overlooks revenue in his search after speculative profit. Nor, indeed, by the advocate of a tariff for revenue *only*, if he is again to be understood as he was in 1880; for in his eager pursuit of revenue he overlooks the manifest wants of business.

In reconstructing the tariff, the wants of revenue and the welfare of business should be harmonized. Of necessity, it will first have to be decided what proportion of the revenue shall be collected through the instrumentality of the tariff; and in the second place, what classes of imports shall be included in the tax lists and what shall be left in the free schedules. When these primary questions shall have been settled, there will remain but little of political principle applicable to the unfinished work. Thereafter it will be almost wholly a work of detail. It will remain only to apportion the taxes among the taxable imports. That work will require the aid of the merchant, the manufacturer, the machinist, the chemist, the best business skill and judgment of the country—men capable of understanding the effect of proposed legislation upon all the important interests. The ordinary partisan politician is not prepared for so important and delicate a duty; nor, indeed, is the Congressional committee likely to be. The committees are chosen under an administration of the House of Representatives somewhat personal, and with a

reference to the wishes and ambition of the Speaker and his friends, rather than to any special fitness for the service. A committee organized under such influences cannot be master of the situation. They are liable to fall under influences unfavorable to fair and impartial legislation. Shrewd and selfish men beset the committee-room. Plausibly they urge peculiar and sinister policies. Special and partial interests are likely to receive favor, to the hurt of more meritorious enterprises. The effect of such a condition of the public business is felt in the want of confidence generally expressed over the country at any movement in Congress for any important modification of the tariff.

Two things are desirable, and should be sought after:

First. To take the tariff out of politics, or, perhaps, speaking more correctly, to take politics out of the tariff.

Second. To establish the tariff as a business interest of the country.

In its enormous detail, the tariff is not politics; it is essentially business. It is folly longer to pretend that there are any political agreements about it. In Pennsylvania, iron is business; in southern Indiana, plate-glass is politics. In the details, each wants the advantage; and the pretended politics of either sparkles like the iron when hot, and is hollow like the glass when blown. Either one should blush to talk about its principles. It is only selfish and determined, like any other pursuit of money.

It is folly, also, to claim absolute uniformity of opinion in respect to the tariff, on the part of the leaders of either party in the past. In the period when manufactures were young and feeble, the powerful men of both parties may be quoted in favor of their encouragement; but now the conditions are changed, and the views then expressed are no longer applicable. Manufactures are now strong and firmly established, and agriculture and other interests may justly protest against any advantage to their prejudice not incident to a wise and expedient revenue system.

In the winter of 1879–80, Mr. Senator Eaton, of Connecticut, introduced into the Senate a bill "to provide for the appointment of a commission to investigate the question of the tariff." The bill received the prompt and favorable consideration of that body. The measure attracted much attention, because its distinguished author represented in the Senate an enormous investment in manufactures, and because it subsequently received the

approval of the Democratic candidate for the presidency, and, perhaps, thereby became the Democratic sentiment rather than the Cincinnati resolution. In addition to making the tariff non-political, and placing it on a business foundation, the bill proposed to ascertain, in a reliable way, the considerations that should prevail in adjusting the rates of taxation upon the various classes and qualities of articles taxed.

The bill required the appointment of nine commissioners from civil life, whose duty it was made to visit the different sections of the country, and thoroughly to investigate all the various questions "relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff upon a scale of justice to all interests." The testimony taken and the investigation made were to be reported to Congress.

The bill proposed what a Congressional committee could not do, but what a commission of skilled men could do—that is, in a reliable and intelligent manner to investigate and report upon all the great interests of the country, so far as they could be affected by the tariff, and so that the tariff might be adjusted fairly and without partiality. The information so acquired and the carefully considered opinions of the commission being laid before Congress and its committees, justice would prevail, and neither crude, partial, nor oppressive legislation could find favor. Political controversies would cease, and the schemers for advantage and the lobbyists for hire would find their occupations gone. From time to time modifications would be made, only as required by revenue or suggested by business. The increased reduction of the public debt, made possible by the condition of trade, will render future modifications of the tariff also possible and proper. Whenever the reduction shall go beyond the dropping of articles and classes from the schedules, and shall require important changes of rates, Congress should again avail itself of the services of the commission, and thus preserve the non-partisan and impartial character of the law.

The future will probably develop conditions requiring new and greatly modified views. If the country shall become involved in no troubles now unlooked for, nor encounter periods of special and prolonged business depression, the public debt will disappear. The treasury will then be required to provide only for the pen-

sions that may remain and for the ordinary expenses of the Government, and the revenue system will be adjusted by the standard of that requirement. What the ordinary expenditures may be will depend so largely upon Congressional views of constitutional and legitimate appropriations, and upon the length of star routes in the executive departments, that it is quite impossible closely to estimate. It must, however, be safe to say that under no administration can the sum exceed the capabilities of the tariff, and will not probably go beyond the receipts possible from internal revenue. If so, the Government may receive its support either entirely from the tariff, or altogether from the internal revenue tax. From which shall it be? The adherents of incidental protection will insist that it shall be, as it was before the war, from the tariff alone. But large masses of the people will claim that whisky, beer, and tobacco are luxuries, as well done without as used, and that they should bear the burthen, rather than it should fall upon the useful and necessary articles of life, whether produced in the country or imported. Before the war the direct tax was unknown to the people, and not thought of by them as a substitute for the tariff in providing ordinary revenue. They have now become accustomed to it, and are more familiar with its operations and effects than with those of the tariff. They know that it increases the prices of domestic products directly and largely. Tobacco and beer will make their fight for exemption from the tax, upon the ground that they are products of home capital and labor. Whisky, too, will make a giant struggle for exemption, and will receive the support, not only of interested parties, but also of all those who are unwilling that its production shall appear to have the sanction of public authority. All these powerful influences will unite in favor of a tariff as the exclusive source of federal revenue. The motive of such union will be their own exemption. In the support of a tariff they are indifferent in respect to its influence upon the prices of other domestic products, so only that it shall save them from the direct tax.

What other influences will come to the support of a tariff as the permanent system of federal taxation? The partisan leader will need to consider this question with care, if his leadership is to be to success. It cannot be answered now as it was thirty years ago. Of course you include all the interests benefited. Iron and plate-glass and woolen and cotton fabrics take their

sides at once. Capital and labor which they employ are assigned positions on election day as positively as on any day of the year. That vote alone would not be formidable, but there stands in sympathy by its side an element of great strength. It is the vote that comes from the other shops, and from the neighboring agricultural communities. Do you ask why they stand there in sympathy? And well you may ask that question, for the enhanced price of the protected article is to their hurt. We know why these others stand together, for they have just come from the furnace where the iron is made, or from the mill where it is rolled. The tariff is a per cent., not upon its cost, but upon the price of the iron, and some of that per cent. may go to the labor. But neither of us can tell why others whom we see and their comrades are there, and shouting for protection, for they come from the car-shops, where the hard woods of Indiana are made into cars, and where the iron used in binding the timbers together has been bought from the manufacturer with the custom-house duty upon the price.

The car goes into the market with that additional cost upon it. It is the interest of labor that its products shall find a ready sale. The enhanced cost of the car, not expended in its construction, but in the protection of its iron, is to that extent an impediment to its sale, and so far a hurt to labor. But whether we can give the reason or not, the men from the car-shops are shouting and voting with the men from the iron-furnace. The party leader who prepares the platform, and leads the fight, had better resign before he leads to other defeats, if he cannot perceive and comprehend the sympathies that control them. In the shops and at the polls the men are in sympathy, and raise their caps to what they believe to be the protecting genius of American labor. It is the sympathy of brotherhood, which a prudent leadership will recognize and respect.

When almost exclusively agricultural, Indiana was easily influenced against protection; now, in all her important towns and cities, valuable manufactures have become established, giving useful employment to labor, and sending a large and intelligent vote to the polls; and he who aspires to partisan leadership finds the present contest very different from that which gave the State to Mr. Polk in 1844.

When the time shall come for the election between the two systems of revenue, the influences for the tariff will have grown

stronger, and have reached and controlled the sympathies and support of additional States. Manufactures are increasing in the United States, and will probably continue to increase at yet greater rates. It is stated that "in 1870, America had 157,310 looms at work in her cotton factories; to-day (1881), she has 230,232." That was an increase of 72,913 in the eleven years that included the four years of the panic, when all machinery and enterprise stood still. Not only increase, but extension also, is the law of American enterprise. New and inviting fields are being developed. It is found better to take the loom to the cotton than to carry the cotton to the loom. Freight saved gives a dividend to the stockholder of the Georgia mill. His returns were regular during all of the depressed period. Assured profits invite capital. In pride and sympathy, Georgia will stand by her enterprises. Upon the Tennessee and the Cumberland, coal and iron ore, in great deposits, lie in parallel planes. Development has illustrated the cheapness of their manufacture into merchant and railroad iron. There, also, capital is invited, and is going.

Alabama and Tennessee will not be indifferent to developments that add so much to their wealth and influence. Their support will be given, as Pennsylvania's support always has been given, to the furnaces and rolling-mills.

The defects in the present law cannot become permanent. Policy and justice unite in demanding their correction. They give to Pennsylvania and Massachusetts too greatly the advantage in the active business of the country. Two States must not rule the Union.

Mr. Joseph Hatton, in his "To-day in America," quotes the following criticisms upon our tariff, from the chairman of the Chamber of Commerce of Bradford, England: "The duty on every kind of cloth is uniformly fifty cents per pound weight, and thirty-five per cent. of the value; and taking the average value of mixed woolen goods at one shilling and fourpence per pound, the duty amounts to one hundred and fifty-six per cent. of the cost; and with thirty-five per cent. added, the total of the combined duties amounts to one hundred and ninety-one per cent. *ad valorem*. . . . Woolens intended for the great mass of the people are taxed so highly that they are virtually excluded. Thus, a superfine black broadcloth may possibly be bought in New York at not more than double its price in

Europe; while a good quality of black pilot, worth one shilling and eightpence per yard, cannot be sold to the American laborer at less than four or five times the price at which an operative in England may procure that good, useful, and warm material for his coat."

The same author quotes from Mr. Brown, of the well-known firm of Stansfield, Brown & Co., to show that the combined tax of fifty cents per pound and thirty-five per cent. *ad valorem* on serge de Berri and lasting, used largely by American workmen in the manufacture of boots and shoes, is about ninety-four per cent. on the English cost, rendering the price enormous, to the detriment of the customer and injury of the trade; and that the consequence has been the destruction of a large export trade.

Other illustrations might be given of the extreme folly of many of the provisions of our present tariff. They are not only unjust toward foreign countries with whom we have a liberal trade of enormous value, but hurtful to our own manufacturers and consumers. Imports should be taxed upon their values. To fix the value of an article by its weight is absurd; the coarser and cheaper fabric is likely to be the heavier. Such vices in our system will disappear when submitted to the judgment of intelligent and just men.

The writer believes that, in many and important lines of manufactures, American capital, labor, and improved machinery can now successfully compete with European enterprise, but he does not believe that fact will modify the popular demand for a tariff to meet the ordinary expenses of the Government. Therefore it seems to him the more important that, in the mode suggested, the tariff shall be removed from the influences of partisan and personal importunities, and established upon a basis in harmony with the necessities of revenue and the welfare of business.

THOMAS A. HENDRICKS.

THE RUINS OF CENTRAL AMERICA.

PART IX.

THE PROBABLE AGE AND ORIGIN OF THE MONUMENTS OF MEXICO AND CENTRAL AMERICA.

My object in the present paper is to establish two things: *First.* That the monuments of Mexico and Central America are comparatively modern, and *Second*, that they are Toltec.

I shall leave out any express reference to the Aztecs, inasmuch as they were only a *renaissance*, and consequently come within the same category.

Now, the first inquiry is, what were the Nahuas? The name would appear to have been given to all the tribes, of the same race and tongue, who, during succeeding centuries from the seventh to the fourteenth, made their way into the high plateaus of Mexico, over Mexico itself, and into certain parts of Central America; their point of departure being generally regarded as lying anywhere between Aztlan (Lake Chapala), the country of the Aztecs, who were the last to arrive, and Huchuetlapalan, in California, the country of the Toltecs, the first comers. Beyond this, nothing would appear certain; no dates are authenticated, and we are compelled to rely upon the conjectures of some and the assurances of others.

But, from whatever quarter they came, the migrations of the Toltecs are undisputed facts; and if we refer to the three writers —Ixtlilxochitl, Veytia, and Clavigero—who have entered upon the subject of the history of those whom all agree in designating Toltecs, we shall obtain sufficient evidence concerning them to enable us to make a sketch of them superior to mere tradition, and approximating to actual history.

The tendency of nations to migrate in search of better soil

and milder climate need not surprise us any more in the New World than in the Old, where the same phenomenon took place almost at the same time and on a far larger scale. But there is this difference, that the western barbarians became civilized by contact with the Romans, whom they invaded, whilst of the American tribes, that which is now engaging our attention found before it only savage peoples, which it had to raise to its own grade of civilization. We have all the more right to assume this because monumental remains and ruins are found only where that influence has been felt.

Now, among the tribes that were the earliest to escape from their northern quarters, the best known are the Olmecs, the Xicalancas, the Toltecs, and the Chichimecs, names derived, respectively, from those of their chiefs, Olmecatl, Xicanlancatl, Toltecatl, and Chichimecatl. Of the two former of these, we have only the most vague conceptions; various historians, however, without assigning any definite date, attribute to them the great pyramids of Teotihuacan and Cholula, as well as the first attempts at civilization in Tabasco and Yucatan. This influence, according to various authorities, made itself felt as far as Peru and Guatemala, and even at the entrance of the lagoon of Carmen we find a town called Xicalanco, obviously recalling the name of the early tribe to our remembrance.

But as to the Toltecs: The name itself has been variously regarded; sometimes it has been considered as the generic appellation of an entire race, sometimes held to be a mere epithet applied to any adroit and ingenious tribe, or it has been supposed to have been the distinction of some individual remarkable for his skill. The name subsequently became synonymous with engineer, artist, builder, or architect, a circumstance that by no means implies that such a people never existed, but rather the contrary. It would be used as a sort of compliment, indicating that an individual displayed the qualities for which the Toltecs were remarkable, much in the same way as a strong man would be called a Hercules, a man of taste an Athenian, or a clownish fellow would be spoken of as a Bœotian.

About the existence of the Toltecs, then, there can be no doubt. Setting aside the legends of the fabulous and heroic epochs, with which we have nothing to do, we find the historians agreeing that this tribe first reached Tollantzinco, and after remaining there sixteen years, proceeded to Tollan or Tula, where

they settled in the seventh century. They speak of this Nahua people as being wonderfully gifted, and represent it as a typical race, cultivating land, erecting houses, working in stone and metal, weaving stuffs, using hieroglyphic characters, devising an ingenious astronomical instrument, and inventing a method of reckoning time. In the eyes of these historians the Toltecs are *savants*, artists, and philosophers far advanced toward a complete civilization. Of course, such a development is too sudden and out of keeping with the law of creation; but after making due allowance for exaggeration, there remain all the credentials of a very remarkable people.

It is added that the Toltec was a Theist, his religion being of the gentlest character; the offerings that he made were principally birds or flowers; he worshiped the sun and the moon and a deity named Tlaloc, presiding over the harvest and the rain. Subsequently he had other gods and innumerable household *lares*, which are found distributed everywhere.

Physically, Veytia describes the Toltec as a man of tall stature, white, and bearded,* and adds that, in his time, among the diversified populations that had invaded Mexico, there were still to be recognized descendants of Toltec families that had been perpetuated on the plateaus. Can any one fail to be struck by the general agreement of this description with those which have been given of Quetzalcoatl, and of all the reformers to whom American civilization has been attributed?

In order adequately to know the Toltec and to appreciate his work, we must go to his home in Tula. Thither let us follow him. We shall have our history, as it were, in our hands, inasmuch as the only trustworthy documents that remain to us are the ruins.

Now, the first thing that we find at the houses of Tula is an example of a mode of building entirely new and curious. The prevailing tendency of the Toltec is to place his dwellings, and his temples likewise, upon eminences and pyramids — elevations that may be either natural or artificial, and which are adapted or constructed according to his requirements and his means. This tendency is almost universal, its traces being multiplied in all directions.

* I have in my possession a bass-relief, found at Tula, coinciding very well with this description; the man is full face, and has a large hooked nose, his beard being wide and fan-shaped.

For instance, the first house that we discovered is situated on a height, the various apartments following the declivity of the ground, being on different levels, and communicating with each other, either by short staircases or narrow passages; the walls are upright, the roof flat, and both roof and floors consisting of a firm layer of cement, composed uniformly of the same materials, and identical with the cement used for the roads.

A more detailed investigation of the materials employed by the founder of Tula brings us into the presence of a builder of singularly diversified resources; where ordinarily a people would be found making use of a single material such as their opportunities best afforded,—it might be bricks, burnt or unburnt, wood, stone, or cement,—the Toltec is proved to have adopted them all simultaneously at his own option; for the interior of the walls he used stone, mixed indifferently with mortar or with mud, covering them with lime and cement; for the outer facings he employed baked bricks or hewn stone; for the staircases he used stone or brick at will, resorting to wood for the roof. He knew what a pier was, and not unfrequently introduced it into his edifices; he constructed columns, both free and attached, and even indulged in caryatides; in short, there is hardly an architectural device with which he was unacquainted. Some shafts of basalt that we have discovered at Tula have not only caryatides, but capitals that might be taken for Doric.*

Surely, then, here was a man singularly prepared for all contingencies, capable of utilizing whatever material came to hand, and ready to transform his genius and to accommodate himself to suit every climate or to meet every emergency.

In addition to these relics of which we have been speaking, we have taken impressions of bass-reliefs of warriors, and copied the outlines of various carvings which correspond with the outlines found on the stone of Tizoc at Mexico, as well as with the sculptures in the buildings of the gymnasium or tennis-court at Chichen in Yucatan.

At Tula, too, we find the stone ring through which the players had to put the ball in their game of "tlachtli," a primitive kind of tennis, first played upon the Arahuac, and mentioned by many

* Amongst the *débris* we have even found four segments of an arch, admirably joined together, and in all probability belonging to the top of a door-way; and more curious still, we have found the same thing again at Palenque, but in a single piece, the dimensions of the circle being the same.

historians. It was transmitted not only to the Aztecs, but to the inhabitants of Uxmal, as well as to those of Chichen, and is not unlikely to be found in Tabasco.

No less typical, again, are the roads and esplanades constructed of cement; traces of them are found from Tula as far as Tabasco and Yucatan, and into Central America.

Finally, when we come to examine the arms of this remarkable tribe, we find that the lances, the arrows, the knives made of obsidian, the hatchets of stone or copper, and especially the "macana," a huge sword made for two hands, with obsidian blade, all correspond precisely with what we find in Yucatan, and notably with the weapons depicted in the fine bass-relief of Kabah.

From Tula we may pass to Teotihuacan. Teotihuacan was one of the principal Toltec towns. In spite of all that has been said to the contrary, I call it Toltec, because to my mind the question is settled by the fact that the house I discovered there is an identical copy of the house at Tula, except that it is on a larger scale; the internal arrangements are as nearly as possible the same; like those at Tula, the rooms are on different levels; the layers of cement, the positions of the columns, are all similar. One difference there is; the Toltec now rarely uses mortar made of lime, but of pounded earth, and the baked brick has given place to the unbaked. The materials altogether being less resisting in their properties, the architect has given the walls greater thickness, and has insured their solidity by making them slope outward at their base. Here again we find columns and piers, and even some crude attempts at corbel arches. Everything in Teotihuacan is on much ampler dimensions, and houses reach the proportions of palaces. It was a holy city, a city of pilgrimages and tombs, such as Palenque was designed to be. Relics abound; pottery, mortuary urns, statuettes, carvings in stone, have been discovered, of which we shall find copies farther on, and numberless diminutive figures, of which we shall meet with fac-similes in the South.

According to Veytia, the towns of Cholula, Toluca, Cuernavaca, and Xochicalco are also Toltec, and the civilization, which reached its highest development in the reign of Mitl, extended from the Atlantic to the Pacific, embracing a circumference of well-nigh three thousand miles.

But now we reach the fatal epoch, when calamities began to overtake this flourishing state.

It was during the reign of Topiltzin (in 1097, according to Veytia, in 1048, according to Clavigero) that, for three consecutive years, inundations, drought, tremendous hurricanes, and intense cold induced a terrible famine, that was followed by a pestilence. Foreign enemies and vassals that had increased in power took advantage of the season of difficulty and desolation to throw off the yoke, and to overthrow the empire. A war of extermination ensued, which continued another three years, and ended in the decimation of the unfortunate people. The main circumstances are beyond dispute; they were all far too recent for writers upon the early times of the conquest to entertain a shadow of doubt about them. The surviving remnant of the Toltecs united, under the leadership of Quetzalcoatl (a generic term, implying a high priest, or dominant chief), and set forward in search of new lands, leaving behind them towns that were burned down, and a country devastated to the condition of a desert.

From the vestiges of their passage that can be traced, it is conjectured that the Toltecs divided into two branches, one comprising those who came from Tula, Teotihuacan, Cholula, and from the north and north-east; these went toward the Gulf; the other party, made up of those who came from the south and south-west, and who took their route in the direction of the Pacific. The authority for this hypothesis is that when the Chichimecs arrived upon the high plateaus, somewhere about the year 1117, Xolotl, their chief, having taken possession of the territory, and being anxious to ascertain who were his neighbors, sent out his emissaries to make investigation. They were absent for four years, and when, on their return from their travels, in 1121, they made their report, it became evident that the Toltecs, in the course of their migration, had established themselves at Oaxaca, Tehuantepec, and Guatemala, on the one hand, and upon the Goatzacoalco, and in the State of Tabasco, on the other. The envoys make no mention of Yucatan, which they did not visit; but it is much the most probable conclusion that the Toltecs, surrounding that province as they did, both on the south and the west, would have established themselves there as well. And this is entirely in accordance with the accounts given both by Landa and Cogolludo.

Here we would beg to be allowed to make a wide digression, and would ask the reader to take note of our steps.

We will now range the coasts of Yucatan and Tabasco, going under the guidance of Bernal Diaz del Castillo, the best of all authorities, as having taken part in each of the three expeditions made by Hernandez of Cordova in 1517, by Grijalva in 1518, and by Cortez in 1519. In the first of these expeditions, at a place near Cape Catoche, where they were attacked by the natives, the Spaniards noticed "three houses built of lime and sand, oratories and temples, in which idols were erected." A fortnight later, while cruising along the coast, they caught sight of an important town which the Indians called Campeachy, and, having landed from their boats, they were conducted to some "vast buildings," including the temple with its idols. "These buildings were admirably constructed of lime and sand, and situated on pyramidal eminences." On the walls were noticed sculptures of serpents, one tower being entirely covered with them; on one side were paintings of idols, and on the other groups of painted Indians, arranged in the form of a cross. Diaz del Castillo goes on to say: "We were dumb with astonishment at beholding things such as had never been seen before." At Champoton (Potonchan) there was a great fight. The Spaniards lost fifty-seven of their men; they had no time to examine the monuments, but they saw enough to learn that every center of population had its temple.

In the expedition of 1518, the Spaniards follow the same route, see the same things, and proceed as far as the Laguna de Terminos, where they find oratories, with a large number of wooden and terra cotta idols, and figures of women and serpents. After having discovered the Rio de Tabasco, they stop at Touala, where they barter some miscellaneous goods for six hundred copper hatchets, which they accept in lieu of gold. The soldiers enter the idol-temples, which then, as now, were called *cues*, in reference to the pyramids on which they were built; and Diaz incidentally remarks that the mosquitoes were so numerous that he took up his quarters to rest "in a temple that was quite high up."

In giving his account of the expedition under Cortez, after mentioning Cozumel and "its temples on pyramids," the traveler goes on to relate how that, after two days' sailing, they found four pyramids and temples, with many statues of huge dimensions representing women, which gave occasion for the place to be named Punta de las Mugeres; but it is certain that this could

not be the island Mugeres, because Cortez's fleet, after starting in the morning, reached the Laguna de Terminos the same evening. The spot in question, therefore, must be some central point on the coast of Yucatan, and not improbably the high pyramids of Silan, of which Stephens tells us.

On a later page, Diaz del Castillo recounts the events of the great battle fought near Centla, when the resident cacique within two days collected a force of eighty thousand Indians against Cortez. This gives no uncertain indication of a populous center, and affords considerable support to the hypothesis that Comalcalco, the last town that I discovered, is the capital of Tabasco and the scene of Cortez's fight. The river then flowed more to the east than it does at present, in the bed of the Rio Seco, which, according to tradition, it has since abandoned. At that stirring juncture, events were so crowded together that Diaz seems to have had no leisure to occupy himself with *cues* and monuments; he merely observes that the village near which the battle was fought was a dependency of the capital of Tabasco.

There is a multiplicity of proof that almost everywhere the Spaniards on their cruise found not only temples and pyramids, but also villages with "large houses." Beyond this, they did not take much notice of the architecture, except that they observed the amount of ornamentation; this struck them forcibly. Other writers give a much more detailed account of the monuments, speaking expressly of palaces and towers.

From all this it results that it is certain that at the time of the conquest the coast of Yucatan and Tabasco was covered with towns, pyramids, temples, and monuments, all of which were inhabited. And if such were the case with the coast, what is the inference that must be drawn as to the interior?

Here, then, we return from our digression, which may be regarded as a long parenthesis in the paper.

Now let us proceed to visit Tabasco, Peteu, Yucatan, and Guatemala. Everywhere we find buildings of a similar style of architecture.

It is only within the last fifty years that these monuments have attracted any attention. Found in ruins, it has been presumed that they have lain in ruins for long centuries; although Stephens, who has enlightened us upon the subject more than all the historians put together, gives his opinion that they do not date from any very remote antiquity. As for the palaces of

Uxmal, in particular, he follows an official report, which he quotes, and maintains that they were inhabited long after the conquest.

To establish a proper and solid basis of argument, it must now be important to ascertain whether the monuments which the Spaniards found standing on the coast, and inhabited, correspond in their architecture and belong to the same period with those in the interior of the country. The descriptions with which we are furnished with regard to the exterior of the structures would seem to point to an exact resemblance, and the carvings of the temples carry our minds to Uxmal, Chichen, and Palenque; but the accounts say nothing of the curious internal arrangement, a "boveda," being a corbeled vault, a likeness to, if not an imitation of, the Gothic. I have, however, been able to satisfy myself that this striking peculiarity is common both to the edifices on the coast and to those in the interior, and hence I am justified in saying that the monuments are identical in character.

But are they contemporary?

First of all I would observe that all the monuments along the coast at the present time are in a more utter state of dilapidation than those in the interior; the pyramids remain, but at Cozumel, Silan, Campeachy, Carmen, Centla, and Touala the superstructures have entirely disappeared. Yet this by no means proves that there is any difference in their age. They may not have been attacked one more than the other; the action of time alone may account for the difference of their condition.

My own latest discovery was at Comalcalco, in lat. 18° 35′ N., to the north-west of San Jean Bautista, the present capital of Tabasco, between the bar of Chiltepec and dos Brazos, and on the banks of the Rio Seco, which, as I have said, is supposed to be the bed from which the Rio de Tabasco has changed its course. Here at Comalcalco I found the remains of a considerable town. Thousands of pyramids of colossal dimensions range in a north-easterly direction, crossing the Lagoon of Mecoacan, and continuing over the islands of Bellote as far as the sea. I select a pyramid for study. It is, I am told, one of the very few where there are remaining any portions of buildings. It is irregular in form, somewhere about three hundred yards in diameter, the plateau by which it is terminated measuring nearly two hundred yards square. On this plateau stood several enormous structures; one of them is a palace with a frontage of eighty yards, and it is

flanked on the south and west by two square towers corresponding with the tower at Palenque, but more imposing, and of far richer ornamentation. Of the apartments of this palace only one remains standing; but this one is sufficient to enable us to recognize its exact likeness, both in the exterior and interior, to the monuments of Palenque. We find the corbel vaulting, we find the ornamentation molded in cement. The fragments of wall are quite extensive enough to permit us to form a complete plan of the structure, of which we took photographs that I now possess.

The pyramid is composed of baked bricks mixed with earth, and the buildings, on a plain where there is not the least gravel, are also constructed of baked bricks set in mortar that is made of lime. The walls seem to me thicker than those at Palenque, and the construction altogether quite as solid, as was evidenced by the great masses of masonry that have fallen without breaking.

On comparing the condition of these palaces with the condition of those in Palenque, it must immediately occur to the least scientific mind to inquire, why monuments in the same country, constructed so exactly alike, beneath the same climate and amidst the same vegetation, should some be completely in ruins while others are standing. Yet there is nothing to warrant the belief that they are the productions of different periods. Rather must the similarity compel us to believe that they belong to the same era and must have been reared by kindred hands. If the palaces of Comalcalco were entire and inhabited at the time of the conquest, we may well feel bound to conclude that those of Palenque were in the same condition.

Similar thoughts must occur with respect to the edifices of Yucatan; the more perfect state of preservation of some of these must be attributed either to their not having been built absolutely so long or to a somewhat less destructive climate.

Altogether, it seems to be sufficiently established that these monuments were inhabited at the date of the conquest, and that they are the productions of a comparatively modern era.

But although I conceive that the proofs that I have given are adequate, I am ready to contribute some more.

First, let us remember that in Tabasco we are in a tropical climate; the most humid district in the world. It rains there nine months in the year; the vegetation is exuberant; Nature is consuming and formidable beyond her wont. Now in these palaces

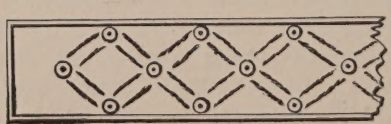
of Palenque, and on the bass-reliefs which decorate them, the ornamentation of the delicate parts (for example, the top of a frieze, or the drapery of a human figure) is composed merely of little dabs of cement applied in the shape of lozenges to the surface, and dotted over in disks of various sizes.* Almost the slightest touch is enough to detach both disks and bands, of which an immense number lie scattered upon the ground in the court-yard. Is it for a moment to be supposed that these fragile pieces of decoration have resisted the long lapse of many centuries, and that, too, under the influences of such a climate as here prevails?

Again, let us examine the staircases; they are the communication from one main building to another; the traffic along them must have been incessant. Yet, in spite of the goings to and fro of countless passengers, there is no deep trace of wear. In our own public offices we know how short a time is enough to wear away even steps of stone; but here in Palenque the steps are entire, the edges comparatively sharp. The inference necessarily forces itself upon us that these staircases have never been subject to the friction of many centuries.

And we may look at the matter in another aspect. The palaces are now covered with a dense vegetation; enormous trees have overshadowed them; long grass, creepers, and moss have invaded the walls and the roofs; and so thick is the veil of foliage that obscures them, that a stranger could easily pass by the ruins without observing them.

Now, the magnitude of the trees that hang over the pyramids has been adduced as an argument to establish their extreme antiquity. Waldeck speaks of two thousand years or more, and M. Larainzar avers that he saw a mahogany table made of a single piece of wood cut from a tree that had grown upon the site, and upon which, with the aid of a microscope, he counted seventeen hundred concentric rings. Taking it for granted that each ring represented a year's growth, he would be borne out in his conclusion that the mahogany tree was seventeen hundred years old, and the building necessarily older.

* The accompanying design may illustrate the meaning:



Unfortunately for the argument, it is altogether fallacious, and proves nothing. I have put the evidence to a test. On examining a slice of the wood of a shrub that I knew as a fact was only eighteen months old, I found that it had eighteen concentric rings. I thought it was an anomaly, but in order to convince myself, I experimented upon trees of all kinds and all sizes, and invariably found the like result produced in very nearly like proportions.

I may mention an additional fact. During my first expedition to Palenque, in 1859, I wanted to take photographs of the ruins, and for this it was necessary to have all the trees felled on the east side of the pyramid. Consequently every tree that has since grown up in that quarter is less than twenty-two years old. In my recent visit I took a section of one of these not much more than two feet in diameter, and counted within it more than two hundred and fifty concentric rings, a clear proof that in a moist and warm temperature where nature never rests, it may, in the larger kinds of vegetation, produce these concentric rings at about the rate of one a month, or one a moon. The result of this computation is to reduce M. Larainzar's estimate from seventeen hundred years to two hundred years, or less.

We have not yet arrived at any accurate date; but if we can now prove that the monuments are Toltec, we shall obtain a date that is approximate, and, as we know at what period they arrived in the country, we shall be in the position to assert that the most ancient of these relics do not go back more than seven hundred years.

At the commencement of this paper we have learned what the Toltec was, with what marvelous qualities he was endowed, and how his name became synonymous with artists *par excellence;* we have recalled, not listening to mere tradition, but following history, how Xolotl's envoys found the Toltec people established in 1121 in the countries of which we are speaking; there they remained from 1080 to 1515, that is, for more than four centuries, and if we allow a century for the establishment and gradual diffusion of the empire, we shall still have a period of over three hundred years for the residence of the tribe in Tabasco, Yucatan, and Guatemala.

Having entered upon new countries as conquerors and civilizers, can it be supposed that the Toltecs, who for two centuries had covered Anahuac with wondrous structures, should all at

once lose their architectural instincts, and for the next three hundred years remain inactive? Is it for a moment to be imagined that they found the districts which they invaded already adorned with edifices, which they respected and preserved? Such a proceeding is altogether contrary to experience. It is the wont of the conqueror to destroy the buildings of the conquered, and to replace them by structures after his own taste.

Or, again, it will be objected that the language of Yucatan and Tabasco remained the language of the Maia. To this my reply is ready. I maintain that in the presence of a population so refractory and prone to resistance as the Maia, the Toltec was obliged to adopt his tongue, however much he would soon mingle it with the language of the conquerors, and with a variety of Nahua expressions, as historians inform us. One striking corroboration of this may be found in the fact that these very Maias did impose their language a second time upon the victorious Spaniards. Moreover, do we not ourselves see the same thing occurring in Alsace, which persisted in retaining the German tongue in spite of two centuries of French occupation?

But even were we for the moment to admit that the Toltecs found in the country that they vanquished a civilization already complete, with which they were content, and that the structures that we now gaze on with admiration were the productions of that ancient civilization, as certain authors affirm, in that case we should most decidedly look for a different style of architecture prevailing in different periods; we should expect indications of progress. Civilization is ever advancing, and does not come like Minerva, fully equipped, from the brain of Jupiter; it begins with the hut before it arrives at the palace, and in our own civilization we have to pass through five well-defined epochs that separate the farmstead of the Frank from the palaces of our own day. But where is there anything like this in the monuments of Central America?

When we look for remains that differ from each other, indicating lapse of time and change of style, what is it that we find? Why, we come upon edifices of which the leading feature is that they are absolutely identical; the architecture is the same, the arrangement is the same; the ornamentation does not vary; they all have the semblance of being produced by one hand and being

the outcome of one effort. It is hard to distinguish the faintest trace of difference, such as may be discerned between French erections of the seventeenth and the eighteenth century.

Hence it stands clearly out that these monuments must all belong to the same period, and that the space of time that separates them in age cannot be more than two centuries.

Or, once more: perhaps it will be said that the architecture of the buildings of Yucatan differs from that of the high plateaus. It may be so, but we must first make some allowance for the elastic genius of the conqueror; we must also take into account the influence of the conquered people; and wherever the Toltec has deviated in any way from his established conceptions it may readily be inferred that he was induced to take the peculiarities of the climate into consideration.

Besides, if we believe Veytia, we must presume that the Toltecs had long known of the corbel vault, and that they introduced it into the roof of the temple of Rana at Tula, during the reign of Mitl.

And still further, if in these countries which the Toltec inhabited so long we find his customs, his civil and religious organization, his mode of computing time, his costumes, his ornaments, his games—if, in the midst of these ruins, we find figures corresponding precisely with those that we left in Teotihuacan, and mortuary urns of exactly the same design, we must be justified in contending that all these relics are Toltec, that they had their beginning between the twelfth and fourteenth centuries, and consequently that the most ancient of them cannot claim an antiquity that exceeds seven hundred years.

In America, then, just as in the western area of the Old World, there was but one civilizing influence: what has taken place in one continent must, by virtue of the same laws, have also taken place in the other; and in surveying (as we have here been rapidly doing) the American civilizations, we must be conscious that all of them, as is the case in our own land, must have proceeded from the same source.

Without dispute, we admit that our own civilization comes from Greece through Italy. More than twenty centuries, however, separate us from the Greeks, and although our civil and domestic architecture differs entirely from theirs, certain of our public buildings, and especially some of the ornaments that enrich them, distinctly remind us that our arts in general have from them

derived their beginning. The affiliation may be very remote, but it is beyond question.

And what has happened with us in the Old World, I submit, is precisely what has happened in the New; only this single impulse is accelerated by a more direct affiliation, because it was the Toltec himself who advanced from the north, carrying to the south the brilliant flame of his civilizing influence. Arriving in the midst of a denser population, and meeting with no inconsiderable resistance, he nevertheless put forth all his strength and exhausted all his genius in a copiousness of monuments of which the richness is extraordinary, and the details full of interest. At length the conqueror fuses himself into the population he has conquered, and disappears in the confusion of revolutions and civil war. The Toltec is dead!

Here I pause: I trust I have said enough for the present, but I know that science is exacting, and I shall hope to gather yet further proofs upon a future expedition.

DÉSIRÉ CHARNAY.

The theory that is here advocated does not in the least attempt to deny the Maia and Tzendale civilizations, which are not spoken of, and which, as preceding the Toltec, would not have left any appreciable traces.

WASHINGTON AS A STRATEGIST.

THE conflict which tried Washington and gave birth to the Republic was not to develop new principles of war, but to illustrate those which do not change with the physical appliances of force. It began without formal declaration on either side. Great Britain struck her first blows at local rebels, and did not see that revolt was universal. The people everywhere struck back, as if they were already rightfully free. The policy which, through secret orders to the colonial governors, had sought first to disarm, and then subdue, only intensified the popular longing to be free. Each colony committed overt disloyal acts before the clash at Lexington was known at the South. However tardily the world realized the fact, the war, from the first, was that of Great Britain against three millions of strong people, already practically a nation. Her right policy was that which would have directed her arms in a war against any independent state. To seize all commercial and social centers at once, so that combined resistance could not be successfully organized, was as important as for the colonies to demonstrate the universal unity and activity of their assertion of independence.

It was as well settled then as since that geographical elements shape strategical and tactical movements, and that, as armies have their right, center, and left divisions, so that it can never be a matter of exact indifference where a blow shall fall, so, in countries of large extent, there are right, center, and left zones or belts of operation, geographically taken, which strategy must respect. The Confederate grasp of Richmond, from 1861 to 1864, whereby the same forces were employed, both East and West, by the use of an interior line, was like to that masterly hold upon the fastnesses of New Jersey, by which Washington shaped the struggle, and with the same troops operated on the

Hudson as well as toward New York and Philadelphia. The Federal campaign of 1862 had for its prime hopeful factor an absolute concert of movement by the forces beyond the Mississippi (the right zone), supported by a fleet, with those of the center toward Nashville, and of the left toward Richmond; and like considerations of military expediency prompted Great Britain to seize and operate from New York, as a military base, thereby to plan and combine operations over every field of disaffection or resistance.

The right zone embraced New England, sharply severed from the center by the Hudson River and the lakes beyond, as the left zone was defined by the waters of the Delaware and Chesapeake. From New York as a base there was quick access by water to Newport, within striking distance of Boston; and the control of tide-waters, well supported, left New England powerless to aid the center.

As early as 1775, Lord Dartmouth advised the evacuation of Boston, the occupation of New York and Newport, and "the seizure of some respectable port to the southward from which to attack sea-coast towns in the winter." The struggle for New York was the practical beginning of the war upon a scientific basis. To isolate the American forces in the three zones was true British policy. It was the policy of Washington to hold his forces in each zone to the closest possible coöperative relation, and thus prevent a conflict in three zones at the same time, or beyond his effective reach and control. It is by holding these propositions in view that we apprehend the full significance of operations in New Jersey, which practically linked the three zones and became the strategic battle-field of the war.

Washington assumed general command July 3d, 1775, and thereby defined the impending war to be one for complete independence. An ever-changing mass of earnest men environed the city, cutting off supplies, indeed, but with slight discipline and less conception of that rigid system which alone could insure success. His first work was to convert those earnest men into an army, with recognized duties, responsibility, and accountability. "They have been trained, officers and soldiers alike, to have their own way too long," he affirmed. Powder, arms, provisions, clothing, fire-wood, medicines, horses, carts, tools, and all supplies, however incidental, depended upon minute instructions of Washington himself. He was, practically, his own chief of

staff. A few orders are cited as an introduction to that system of operations which mark his life as a soldier: To withhold commissions until some proof was given of individual fitness, involved grave responsibility. To punish swearing, gambling, theft, and lewdness evinced a high sense of the solemnity of the hour. To rebuke Protestants for mocking Catholics was to recognize the dependence of all alike upon one God of Battles. To repress gossip in camp, because the reputation of the humblest was sacred; to brand conflicts between those in authority as fatal to discipline and unity of action, and to forbid the settlement of private wrongs except through established legal methods, showed a clear perception of the conditions which would make an army obedient, united, and invincible. These, and similar acts in the line of military police regulations, and touching every social, moral, and physical habit which assails or enfeebles a soldier's life and imperils a campaign, run through all his papers. It is through these that the careful student can pass that veil of formal propriety, reticence, and dignity which so often obscured the inner, the tentative elements of his military character. It was while imbued with such ideas, and while exacting strict conformity to his will and to such standards, that he urged on the siege of Boston. Its capture, or, if necessary, its destruction, was his settled objective. "Give me powder, or ice, and I will take Boston," was his laconic demand for the means of bombardment, and his assurance that, if the river would freeze, he would force a decisive issue by direct assault, with the means already at command. The environment of the city was so complete that no substantial sortie was attempted. The double campaign into Canada, by Arnold through Maine, and by Montgomery toward Montreal, was made while adequate forces inclosed Boston, and its garrison could only draw aid from England itself. It had been ordered by Congress, and was supported by Washington, only upon the most positive assurance that the Canadians were ready to strike, and that, if delivered, they would maintain themselves. These diversions, so disastrous in themselves and in the subsequent depletion of his army, were strategically sound under other conditions, but an irresponsible people failed to support the army of deliverance, and failure was unavoidable. From that time forward, however strongly urged by Congress in the interest of France, every proposition for a Canadian campaign was successfully opposed by Washington.

On the 10th of October, General Howe relieved General Gage, and intimated his estimate of the peril to the Crown by formally assuming command "over all the Atlantic colonies, from Nova Scotia to West Florida." Congress increased the army before Boston to nearly twenty-four thousand men, established a navy, and caught glimpses of the war beyond. Washington determined to free himself from local fastenings, so that he might make his head-quarters, general depot, and base at New York. Howe was reënforced December 31st, 1775. Within a week, Washington learned that Clinton would make an expedition by sea. General Charles Lee, then in Connecticut, but ordered to New York to place it in a condition of defense, reached that city just as Clinton anchored off Sandy Hook. A semi-armed neutrality existed between Governor Tryon and the people. The proposed measures of defense were real acts of war against Great Britain; but although "authorized to burn cities that refused submission," Clinton sailed southward. Washington acted just in time to save New York.

The continuing siege of Boston was mostly memorable for the activity of the American commander-in-chief and the subordination of the army to discipline and duty. There "had been one single freeze, and some pretty good ice," but a council of war opposed an assault. At last, suddenly, and, as ever, successful when acting freely, Washington planned and executed the occupation of Dorchester Heights, and Boston fell. The British army left on the 17th of March. On the 18th, General Heath was started for New York with infantry and artillery. On the 23d, when the British actually put to sea, the entire army, less a police garrison, followed. Dispatches to Governor Trumbull, of Connecticut, and to the local authorities of New York and New Jersey, announced the next field of conflict, while such careful itineraries were marked out by Washington himself that he knew the daily progress of his advancing columns. On the 22d of April, he was required by Congress to send Thompson, Greaton, Patterson, Bond, and Poor, and on the 26th to send Sullivan, Reid, Wayne, and Irving, to Canada. He protested that "by this division of forces neither army will be sufficient." The waste by disease in Canada, and his inadequate force in the ensuing struggle at New York, confirmed his judgment. On the 7th of July, General Howe declared "the works at New York to be the first object of his attention," while foreshadowing a move-

ment from Canada and the occupation of Newport as essential to control New England. His arrival, June 26th; that of Knyphausen, July 7th; of Admiral Howe, July 12th, and of Clinton and Cornwallis from the South, August 1st, suggested to Washington the increasing force at his front. He accepted the challenge and prepared for the issue.

The battle of Long Island followed. Howe's superb night march, August 27th, by which Sullivan, before the center, and Stirling, before the right, of the American lines, were alike taken in rear and captured, brought twenty thousand British troops before the works. The American army, which should have had an equal force on Long Island, and the same in New York, "fast fading away," had a paper strength, all told, of less than twenty-eight thousand men. Even on the 19th, more troops had been sent to the northern army. Washington was compelled to guard fifteen miles of water-line, from King's Bridge, along both sides of the Hudson; to garrison Governor's Island, and keep open his communications with New Jersey. As deliberately as Washington occupied Brooklyn, to check the British advance and gain the moral force of overt action in defense of New York, so decidedly did he resolve to withdraw the garrison. The orders, only recently published, whereby that garrison was put under arms, as if to remove the sick and introduce fresh troops, but really to insure composure on retreat, are models in fitness, and their execution was masterly. The strategic stroke at Dorchester Heights was followed by the retreat from Brooklyn, and Europe accorded like praise for each.

The British army promptly extended its right wing toward Hell Gate and Long Island Sound. Congress urged the retention of New York, but finally left all to the discretion of Washington. For General Howe to hold Brooklyn and the main-land above New York, supported by a fleet, was to command the city. For Washington to retain it, under such conditions, with no control of the main-land adjacent, was simply to occupy a prison camp, at the mercy of his adversary. He determined to extricate his army and gain freedom of action.

As a statement of fact, Washington never emerged from a sore ordeal that he did not revive his command by some offensive return. The withdrawal and action near Harlem were not more creditable than the judicious location of a supply camp at White Plains, near to the Connecticut line, but remote from naval attack.

General Howe understood its value, and having detached Knyphausen to King's Bridge, he marched for White Plains, intending to capture the stores, to cross to the Hudson, and thereby imprison Washington below himself, as he had hoped to do before that officer retired from the city. It was a race of the two armies for White Plains.

Washington took the upper side of the river Bronx, intrenched each night, skirmished daily, reached White Plains first, and offered battle. Chatterton Hill, which commanded White Plains, was taken, but Washington gained North Castle Heights and freedom of action. Assuming that "Howe's army was too strong to be idle, and must strike for Philadelphia," he promptly entered New Jersey. It is difficult to find a better example of good adjustments than that which led those half-clad, half-armed troops from the evacuation of Boston to the so-called retreat through New Jersey. Retreat is a misnomer for that march. It was generalship. At every stage of advance, after the fall of forts Washington and Lee, the troops were so disposed that only the willful detention by Lee of his large division prevented a direct movement against Howe. Washington reached Trenton, seized all boats, held all ferries, and just when his escape seemed hopeless, as early as December 12th, resolved to take the offensive. The battle of Trenton was the blow he gave. That of Princeton followed, January 2d, 1777. On December 28th, he had declared his purpose "to drive the enemy from, or at least to the extremity of, New Jersey." He regarded Philadelphia, and any city, as an immaterial factor if he could preserve his army. It was bold thus to put himself between the British and New York, and to challenge Howe before his head-quarters. That officer regained New York, wrote to England for reënforcements, and New Jersey was delivered. Contemporaries honored these exploits. The "Fabian policy," so styled, had been enlivened by sudden brilliant acts, each of which was like an inspiration in its fitness, and a lightning stroke in its execution. Brooklyn and the retreat, Harlem and the withdrawal, Chatterton Hill and White Plains, the march through New Jersey, Trenton and Princeton, suggest all, and these were crowned by such art in choice of a mountain camp that, as at the hub of a wheel, he alike threatened the Hudson, communicated with New England, kept New York and Staten Island under alarm, and covered the capital. These were so clasped within easy reach that Howe could attack neither

without risk to his base. Clinton did, indeed, occupy Newport, December 9th, but was practically ignored, while Washington kept his main enemy ever on the alert, avoiding, for himself, decisive battle, drawn into no surprise, and yet striking at every exposed point, to inspire his own men and wear out his foe. It was sound strategy. On the 21st of January Howe withdrew two thousand men from Newport, and declared that "there was no object in Connecticut for which to risk a general action." Tryon's incursion into that colony did not disturb Washington. In June Howe advanced to Somerset Court-house, and put the capital in jeopardy to force his adversary to a general action. Washington took post at Middlebrook, drew reënforcements from Peekskill, disregarded Philadelphia, skirmished actively to invite attack, and at Quibbleton, Scotch Plains, Westfield, Woodbridge, and Metuchen Meeting-house so fully eluded Howe's efforts to fight him at advantage that, on the 3d of July, that officer again retired to Staten Island and New York. The second campaign in New Jersey was as fruitless for British arms as was that of 1776.

Washington first learned of Burgoyne's movement on the 20th of July. He expected that officer to gain New York by sea, as Burgoyne himself preferred thus to strengthen the New York garrison and make it equal to its obligations; but the activity of shipping in the lower bay of New York convinced Washington that all zones would share in the work of the next campaign. He strengthened posts on the Hudson and sent scouts as far as the Delaware capes. On the 20th of March, Lord Germaine determined upon combined movements; but General Howe held that "to make the capital an objective was the surest road to peace and the defeat of the rebel army." Howe sailed from Sandy Hook July 23d, and Washington made a forced march to Wilmington, Del. From Howe's landing at the Head of Elk, August 25th, until the American army awaited battle on the Brandywine, every effort to crowd Washington upon the Delaware, gain his rear, and cut him off from Philadelphia, was foiled. The American order of battle was planned, with General Greene's aid, as if the army was so disciplined as to fear no defeat. It was one of those occasions when even comparatively fresh troops, ignorant of the real danger, have been led by great commanders to enterprises from which veterans might well shrink. Twelve thousand men were to withstand the advance of nearly eighteen thousand. When Howe exactly repeated the maneuvers

of Long Island, Washington equally well again rescued his army, regained Philadelphia, drew supplies, marched up the Schuylkill, crossed at Swede's Ford, and at Winchester offered battle. The whole march demonstrated the vitality of an army so inspired, and the strength of the faith, wisdom, and will of its commander. The battle of Germantown, October 4, 1777, was an offensive blow, with sound methods, and the rescue of the army under the changing conditions of the morning fog especially aroused the enthusiasm of France. Couriers were at once sent to Spain to invoke her coöperation, and on the 12th of December the French minister said: "Nothing has struck me so much as Washington attacking and giving battle to Howe's army."

On the 4th of December General Howe led fourteen thousand troops to Chestnut Hill, and uncovered Philadelphia, but was repulsed, without enticing Washington to attempt its capture. Even the ordeal of Valley Forge was a training school preparatory to that firm pursuit of Clinton which induced the battle of Monmouth. The plan of Washington—to strike obliquely the prolonged line of British march, and concentrate his advancing columns so that a superior force would bear upon the points assailed—was soldierly, but required of the immediate commander that will and faith in success which Charles Lee did not possess. Clinton received but a spent blow, and struck with vigor; but, as at Kipp's Bay and Princeton, Washington arrived and threw himself into the hottest fight to suspend disaster. Clinton once more sought refuge in New York.

The grand British plan, so complete in preparation and so scientific in principle, had failed. The cabinet was in advance of its officers, as Washington was in advance of Congress. Bennington, Oriskany, Saratoga, Brandywine, Germantown, and Monmouth signified progress. Washington at White Plains, no longer planning to avoid an urgent enemy, but how best to regain the few posts still held by the Crown, thus contrasts his condition with that of 1776: "The hand of Providence has been so conspicuous that he must be worse than an infidel that lacks faith, and worse than wicked that has not gratitude enough to acknowledge his obligation." Thus far no foreign aid had been furnished. The arrival of Count d'Estaing in July did not realize all expectations, but General Clinton wrote to Lord Germaine, July 29th, that "he might be compelled even to return to Halifax."

The disposition of the American army for winter quarters

embraced Connecticut, both banks of the Hudson, and New Jersey, with head-quarters at Middlebrook, thus fulfilling all conditions for the safety of the command and observation of the enemy. Cornwallis made an incursion into New Jersey, and depredations were committed in Westchester County, N. Y., and elsewhere, but such was the despondency of Clinton that, on the 2d of December, he wrote the British Secretary of State: "Do not let anything be expected of one circumstanced as I am."

The year 1779 brought the practical transfer of operations to the Southern zone. Washington in vain implored Congress to place Greene over that command, and Gates was assigned. Tryon's impotent incursion into Connecticut, the burning of Norfolk and Portsmouth, the capture of Stony Point, its recapture by Wayne and its abandonment, its re-occupation by Clinton and his withdrawal, as well as from Newport, and the fruitless siege of Savannah, marked the year. Clinton sailed for Charleston in December. Washington re-adjusted his army, sent Southern troops to that zone, established head-quarters at Morristown, and held firm grasp upon the approaches to New York. The winter of 1780, with its severity, equally suspended the operations of both armies at the North, exacting the utmost vigilance of the American commander-in-chief to supply his army, quiet its groans, and keep it up to duty. The surrender of Charleston, May 12th, anticipated by him from the first, did not disturb his plans. Clinton returned to New York in June, just in time to aid Knyphausen's attempt to draw Washington into a determining action; but with the burning of Springfield the plan ended, as well as all operations out of New York. Rochambeau landed at Newport, R. I., July 10th, 1780, with six thousand troops, the half of a force designated by Louis XVI. to be under the personal command of Washington. The treason of Arnold occurred. The American army, neither paid nor fully fed, dwindled daily, until it seemed as if the French alliance was to fail for want of American support. The battle of Camden, August 16th, not known to Washington until September, was offset by the glow of success at King's Mountain, October 7th; but the second French contingent did not arrive, and, on the 20th of December, Washington warned Congress, in very laconic terms, that "an army, or State which is the theater of war, could not rub through another campaign as the last." But he resolutely re-organized the army, established the basis for a permanent establishment,

and placed Greene in command at the South. Morgan's victory over Tarleton, at Cowpens, January 17th, 1781; the battles of Guilford Court-house, Hobkirk Hill, and Eutaw Springs, at least proved the inability of the British commanders to gain general support from the people of the South; and with the assignment of Lafayette to Greene's command, on his return from a visit to France, then began the immediate development of the plan by which Washington expected to end the war. The result confirmed his faith.

On the 18th of May, 1781, Lafayette assumed command in Virginia, with orders from Greene to make his reports to the commander-in-chief, direct. Washington reënforced him promptly, and on the 20th of May resolved, with Rochambeau, to make a summer campaign against the British head-quarters at New York. By the 6th of August, Lafayette reported "a very hopeful state of affairs in Virginia." On the same date, Washington and Rochambeau made a demonstration in force against the head of New York Island, and along the Harlem as far as Hell Gate. Such was their pressure upon Clinton that he demanded aid from Cornwallis,—"the sooner, the better," being "threatened with a siege." On the 21st the American army, and on the 25th the French army, crossed the Hudson River. Boats, carried on wheels, brick ovens commenced opposite Staten Island, fictitious plans of operation purposely placed within Clinton's reach, afforded that officer fresh cause for alarm. The allied armies were ignorant of their real destination, because, said Washington, "If the imposture does not take place completely at home, it will never sufficiently succeed abroad." On the 30th of August, Washington was at Philadelphia, not missed by Clinton. His army passed that city September 2d, not missed by Clinton. On the 5th, Washington reached Chester, and learned that the Count de Grasse had entered the Chesapeake, and still he had not been missed by Clinton. On the 6th, Clinton understood all, and hurriedly, but too late, promised aid to Cornwallis.

That grasp of New Jersey fastnesses, which held supreme direction of operations and defeated British combinations during five years of war, was at last relaxed, only that it might assure that permanent triumph which its consummate strategy had made possible. On the 14th of September, Washington joined Lafayette. On the 17th, Cornwallis surrendered.

The war was at an end. Against every possible obstacle, in

spite of small levies, scarce supplies, general corruption, universal bankruptcy, jealous subordinates, and factious politicians, there had been manifested, wherever Washington appeared, such strategical adjustments as assured the highest attainable advantages over the theater of war as a whole; such tactical action as made the most of the troops engaged, with no signal disaster in the extremest hour of peril; such prompt management of supplies as best to utilize the means furnished by Congress; such appliances in engineering as met emergencies, and such instruction in minor tactics that the Continental troops proper were rarely at fault. Add to these that military policy, or statesmanship in war, which was so clear and penetrating that Congress and subordinates only advanced the war as its suggestions were accepted as influential and paramount, and the summary seems complete.

Upon such premises of fact it is affirmed that there was one mind, that of Washington, which absolutely penetrated all the signal issues of the war for American independence by its magnetic force, and from Boston to Yorktown so controlled and developed those issues that victory became the logical necessity of its philosophy and action, and made him indeed "first in war."

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The Twelfth Amendment, adopted in 1804, declares:

"If the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March, next following, then the Vice-president shall act as President, as in the case of the death or other constitutional disability of the President." " . . . No person constitutionally ineligible to the office of President shall be eligible to that of Vice-president."

Preliminary to a discussion of what constitutes Presidential inability, it is important to determine the position of a Vice-president, who, in the language of the Constitution, "shall *exercise* the office of President," or "shall *act* as President." That is, whether in such case he becomes "the President" or remains Vice-president, exercising the powers and duties of President. In 1841, when, on the death of President Harrison, the first vacancy occurred in the Presidential office, and the question arose in Congress whether, in appointing a committee to inform the person then exercising the office of President, of the organization of the two Houses, he should be styled "President," or "Vice-president now exercising the office of President," Mr. Wise, of Virginia, exclaimed that "he knew the fact, that the present incumbent [Mr. Tyler] would claim the position that he was by the Constitution, by election, and by the act of God, President of the United States." The subject received but little consideration at the time in either House of Congress, and as the case then presented was one of death, both Houses decided to give the title President to the person exercising the duties of the office, in their communications with him—Mr. Calhoun remarking at the time that, as none of those circumstances existed which might arise in a case of inability, "there could be no special occasion for discussing the subject." From that time till the present, whenever the Vice-president has acted as President, which has never been except in the case of the death of the President, he has been styled President. The practice adopted under the circumstances, though entitled to consideration, is not decisive as to the true construction of the Constitution, even in case of death,

and by no means settles it in a case of inability. As an original question, it would seem clear, from the language of the Constitution, that its framers never intended any person to be President except the person whom the people elected to that office. They provided that, in certain specified cases, another officer might perform the duties of the President, without regard to his eligibility to the office.

The original Constitution did not prescribe the qualifications of age and citizenship of Vice-president as it did of President. Hence a Vice-President not eligible to the Presidency might, under the Constitution as it existed prior to 1804, have had devolved upon him the powers and duties of the Presidential office; but how could he become President? Even now the Constitution does not prescribe the qualifications of the officer who is to act as President in case of the death both of the President and Vice-president. He may be a person not eligible to the Presidency. The Constitution must be so construed as to be consistent with itself, which would be impossible if a person not eligible to the office of President could in any case become President. That instrument contains no provision declaring that the Vice-president shall under any circumstances become President. On the contrary, it in terms declares that in certain specified cases "the powers and duties of the said office" shall devolve on the Vice-president; that "he shall *exercise* the office of President" and "shall *act* as President." On whom is it that the Constitution in certain cases devolves the duties of the Presidential office? Is it on another President or on the Vice-president? Had the framers of the Constitution intended the Vice-president in certain contingencies to become President, they would have so said, instead of saying as they did, "he shall exercise the office of President, or "he shall act as President."

Assuming, as the language of the Constitution imports, that the Vice-president can in no event become President, there is less practical difficulty in determining what is meant by Presidential inability. If, in such a case, the Vice-president became President, the person whom the people elected to that office, though laboring under a mere temporary inability, would be ousted from the office whenever the Vice-president assumed its duties, as there could not be two Presidents at the same time, and the person elected Vice-president, having ceased to be such by becoming President, would continue Pres-

ident till the end of the term. Whereas, if the Vice-president in such case simply exercises the office of, or acts as President, there could be no reason why the President, when the inability ceased, should not resume the duties of his office; and the Vice-president, having ceased to act as President, would again become president of the Senate. The word "inability," as used in the Constitution, doubtless means both physical and mental inability, or either. Whenever the President, whether from physical causes, as in case of capture by the enemy in time of war, or from sickness, or from mental disease, is unable to discharge the duties of his office, the Constitution devolves them on the Vice-president. Before he can properly act, there must be some occasion for his action—some urgent duty to perform to which the President is unable, from mental or physical causes, to give attention. The framers of the Constitution clearly intended to provide that the Republic should suffer no detriment from the want of an executive head. If, during the illness of President Garfield, circumstances had arisen requiring of him the performance of important duties, such as the negotiation of treaties, the defense of the country, or, indeed, any act to delay which would be fraught with serious injury to the country, and he had been unable to act, the case of inability contemplated by the Constitution would seem to have arisen. The presumption is that no such circumstances existed. But how is the Vice-president to know of their existence in any case? In the absence of legislation he can only know, so as to act upon them, when they become so open, notorious, and indisputable as to be recognized by all as existing. When such a case arises, who will question the right or the duty of the Vice-president to act as President till the disability is removed? The Constitution has provided no tribunal to determine what shall constitute inability, or the evidence of it, and it will be difficult for Congress to do so. It would be dangerous to vest the power of thus superseding the President in a petit jury, or any judicial tribunal. The people who elect him have said that he can only be removed on impeachment, and Congress cannot provide for his removal directly or indirectly in any other way. They can prevent neither his death, his resignation, nor his inability, and they have never attempted to declare what shall be the evidence of his death, though they have passed a law of questionable constitutionality, declaring that the only evidence of his resignation shall be an instrument

in writing declaring the same, subscribed by him, and delivered into the office of the Secretary of State. Four Presidents have died in office, and it required no statute to define in advance what should constitute the evidence of their death, nor any jury of inquest or other tribunal to determine when they died. To have required such proof would have been unreasonable and absurd. The whole people and all their officials took notice of the sad events, and the Vice-president in each case proceeded to exercise the powers and duties of the Presidential office without question from a human being. There are some things of which everybody takes notice, and which it is never necessary to prove. Among them are public matters affecting the government of the country. Every one is bound to know who is President, and to take notice of his death. As a matter of convenience and propriety, it has been customary, on the death of the President, for his constitutional advisers, who are supposed to be near him at the time, to inform the Vice-president of the fact. While this is a proper thing to do, it is not essential to his entering upon the discharge of the duties of the Presidential office. So in case of inability, the fact must be so notorious that there can be no reasonable doubt about it, nor that an urgency exists requiring immediate action on important matters, before the Vice-president would be warranted in assuming the duties of President.

When such a case arises, the people will not only acquiesce in the discharge of the Presidential duties by the Vice-president, but will demand that he exercise them. In a case of inability, as in a case of death, the constitutional advisers of the President, who are about him, might with great propriety notify the Vice-president of the fact, and of the state of the public business requiring Presidential action, and this, though not conclusive, would be one circumstance going to make up that public opinion which would make it incumbent on the Vice-president to act as President. It is questionable whether any law can be framed placing this question of inability in a better position than the Constitution has left it. The degree of proof to satisfy the public mind cannot be previously defined. This is a people's government, and can only be maintained by the will of the people. Every citizen of the Republic constitutes a part of the law-making power. Hence the respect of all for the law, and their readiness at all times to uphold and defend it. They take notice of public matters affecting the government of the country,

of who is President, of his death or inability, and of the accession of another to the duties of President.

When this accession follows the notorious and unquestioned inability of the President, they will be as ready to uphold the Vice-president in the discharge of the duties of the Presidential office as if he had been elected to it. Any Vice-president who should assume those duties in a doubtful case, when the exigency did not unmistakably require it, would be treated as a usurper by all patriotic citizens. Peaceful successions to the Presidency, under our system of government, must always depend on a sound public opinion, supported by the good sense and the intelligence of the people; and there it may be safest to leave them.

LYMAN TRUMBULL.

MR. COOLEY.

THE Constitution provides that "In case of the removal of the President from office, or of his death, resignation, or inability to discharge the duties of the said office, the same shall devolve on the Vice-president." Three of the contingencies here mentioned are cases in which the President's incumbency is absolutely terminated, and, according to the precedents, the Vice-president does not then succeed merely to the powers and duties of President, but becomes the incumbent of the office.

The fourth contingency, of "inability to discharge the duties of the said office," supposes a state of things that may be permanent or temporary. If it should occur, and the duties devolve upon the Vice-president in consequence, the latter would be acting President only, for the manifest reason that there would still be a President who had not in any manner vacated the office, though for the time unable to discharge the duties.

The question, What is a case of inability? is a momentous one, and not to be disposed of lightly or on any narrow or technical reasoning. It is a question involving the stability of government and the interests of the whole people. The words to be interpreted are part of an instrument which is supposed to deal only with general principles and matters of highest importance, and to leave all else to ordinary legislation. We must therefore assume that this provision was inserted for contingencies so

important as to render the devolution of the President's powers upon some other officer an absolute necessity.

In one sense, the President would be under inability to discharge the powers and duties of his office if he were in the delirium of fever, though there might be no reason to believe the delirium would last beyond a few hours. His constitutional advisers would not venture to present an official document for his signature at such a time, or permit any one to approach him on public affairs; and if in his delirium he were to sign a document or veto a bill without the consciousness of reason, he and every one else might treat the act afterward as a nullity, as he might if he had done it in a state of somnambulism.

It seems unnecessary to affirm that a case of merely temporary displacement of reason cannot be such a case of inability as the Constitution intends. If the Vice-president were immediately to come forward under such circumstances, and claim the right to perform the duties of the office, the common sense of the nation would feel a shock of pain and surprise at such a misconstruction of this important provision.

If the President were to be prostrated by sunstroke, and lie for a day or a week in a state of insensibility, there would be a plain case of present inability to act; but who believes that the Constitution intends the Vice-president shall immediately take up the reins of power, and displace the President before it is seen that the public interest requires it?

But a case of even present inability may not be so plain as those which have been indicated. The reason is sometimes dethroned by slow approaches of disease, and then gradually restored again; and the question of the actual mental condition at any particular time may be one of great nicety, which only experts can solve. It is plain there is no inability before the reason is overturned and none after it is restored; and the exact condition at any time is very likely to be the subject of differences of opinion among experts. If under such circumstances, with the fact disputed or not generally known, there were to be an attempt to displace the President for inability, it seems certain that it would not be peacefully submitted to. If the Constitution permits a change in the executive under such circumstances, without authoritative decision to the satisfaction of the public mind, it may confidently be affirmed that, instead of providing for the perpetuity of institutions, it has suggested and

invited civil disorders, a contested chief magistracy, and general anarchy.

The question of inability in the constitutional sense is complex, for it necessarily to some extent involves two others: First, whether, when the Vice-president becomes acting President, he is in for the term, or only while the inability continues; and, second, what officer or body shall pass on the question of inability and determine its existence?

The limits assigned to this paper preclude any examination of the first question, and we shall assume it to be unnecessary. The Vice-president is to act when there is inability; and he can do so no more after the inability has ceased than before it commences. From the nature of the case, therefore, the question of inability is continuous; it must be ever present even after the Vice-president has become acting President, and there must at all times be an authority competent to pass upon it. And if this authority is provided for by the Constitution, we must suppose the wise framers of that instrument had in view a tribunal as little liable to be swayed by personal interests and ambitions as is possible in the nature of things. We must suppose this because only such a tribunal could be satisfactory; and the case is peculiarly one in which it is of first importance that the public mind be satisfied.

That a mere temporary inability is not the inability the Constitution intends seems certain, because the evils the Constitution aims to provide against are not immediately present or imminent. They might not be present or imminent if the President's incompetency were to continue for several days or weeks; because there might during that time be no urgent necessity for executive action. To displace a President because he cannot act, when no action is needful, and when it is not known that his incompetency will continue so as to be detrimental, would be as foreign from any suggestion of true statesmanship as it would be possible to conceive. True statesmanship carefully guards against unexpected changes in government, instead of inviting them without apparent or probable benefit.

If, then, a mere temporary inability is not the inability the Constitution intends, we are forced to conclude it must be an inability that from its nature and continuance causes—or at least threatens—inconvenience in public affairs. It is this inconvenience, present or imminent, which will bring the inability to

notice, and require that it be passed upon and provided for. Other circumstances than that of duration may therefore have controlling force.

Had President Lincoln in April, 1861, been prostrated by some mental disorder likely to continue for weeks, the necessity for the constant attention and action of the Executive would have been so imperative that no one could question that the emergency the Constitution intends had arisen. In that time of supreme trial for the country, to leave executive powers in abeyance for a very brief time might have been disastrous. But many times before and since, if the President had withdrawn himself altogether from public business for weeks, or even months, no inconvenience whatever could have resulted, or if any at all, then such as would be utterly insignificant when compared with the mischiefs of a change. The ordinary business of government would have moved on without disorder, taxes would have been received, public debts paid; the courts, the army, and navy would have performed their allotted functions, and the absence of the President from his duties would have attracted attention merely as an item of current news.

To determine, then, whether the constitutional emergency has arisen, we must look beyond the existence of present inability, and consider, first, the question of probable continuance, and, second, the condition of public affairs, and the necessity for executive action. More difficult and delicate questions than these a human tribunal is never called upon to consider, and it would be a reproach to the Constitution and infinitely dangerous in government if these, and the further question of the continuance of the inability, were submitted for determination to any other than the most proper and suitable tribunal. But the Constitution is subject to no such reproach.

In the nature of things there is but one proper and suitable tribunal for making this decision, and the Constitution plainly points it out. Congress is expressly empowered to make all laws which shall be necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States, or in any department or officer thereof. It may, therefore, make laws for this case.

It is especially proper that Congress should have the jurisdiction over this subject, for many reasons, a few of which will be mentioned. Congress, more directly than any other department

or officer, represents public opinion and the public will, and is more likely, in a great crisis which intensely interests the whole people, to give a decision which accords with the public judgment. Congress, better than any other authority, must know what the public exigencies demand, for its legislation deals with them with all the power of the Government. The questions involved in suggested inability must be considered in the light of facts, appearances, opinions, matters of public notoriety—in short, of all those matters which influence the public mind, and a popular body can alone deal with such evidence. If the inability seems likely to be temporary, Congress alone can make provision for determining when it has ceased. If any other authority should declare the inability, and the Vice-president should act upon it in opposition to the opinion of Congress, his authority would be paralyzed by the refusal of Congress to recognize it. No court could help him, for the courts cannot decide political questions. Congress, then, must deal with the question, first, because the Constitution provides for it; second, because reason dictates it; and, third, because the decision of Congress alone can be final.

The difficulties in the way of a Congressional decision will not be overlooked or belittled. It may be said, with truth, that Congress could only act by bill or joint resolution, either of which, before becoming effective, must be presented to the President for his action. To present a bill for approval or veto, by an officer whom the bill itself declares to be incompetent, would be an absurdity. But national powers were conferred in perpetuity, and it is the duty of Congress to see that they are perpetuated. Among the express powers is one to provide for the continuous exercise of executive authority. Now, it is entirely possible that a contingency may arise when there will be no Vice-president, or other officer with any claim under the law to act as President. Must the Union be dissolved and chaos come in consequence? How much wiser would such a notion be than that of James II., who thought that, when he had cast the Great Seal into the Thames, he had made the administration of government impossible? When Congress finds the Union without a head, its first duty is to provide for one; and if an impossibility exists in doing this, according to the very letter of the Constitution, no one need doubt that this is a case in which the spirit of the instrument is more imperative than the letter.

But it may be said, if the emergency should occur when

Congress is not in session, there would be no method of convening it for the purpose. But no American can doubt that, when the case arises and public opinion is firmly fixed in the belief of inability, Congress, if not invited to meet by the cabinet, or the speaker, or the Vice-president, will convene spontaneously to deal with the case and save the institutions intrusted to its care. Men charged with merely business interests would find ways to convene under such circumstances, and it is not likely that statesmen would be lacking who would possess at least ordinary shrewdness and efficiency.

If any one insists upon precedents to justify irregular action, where regular is impossible, we have a right to appropriate English precedents wherever they favor liberty and national perpetuity. The King, in England, is as inseparable a part of the legislature as the President is here; but the most important Parliament in English history, that of 1688, was convened on the invitation of one who was not even an officer or a subject; and it proceeded without executive assent to declare a vacancy, to change the succession, and to settle the government on new principles. The Parliament of 1808, which established the regency, was compelled to assume the concurrence of the King, after it had declared him insane, and that of 1788 would have done the same, had not the King recovered his reason while the Parliament was deliberating. No precedents could be more exactly in point, and none could be more reasonable.

It may be added that, while Congress could provide for such cases by general law, it could have no less power to provide by special law, and that almost inevitably every case would be peculiar, and require to be dealt with specially.

We conclude, therefore, that an inability, in the constitutional sense, is one that not only exists presently, but, in the opinion of Congress, is of such nature and probable continuance that it causes or threatens inconvenience in public affairs. It is possible for a case to arise so plain, and so unmistakably determined in the public judgment, that public opinion, with unanimous concurrence, would summon the Vice-president to act. But, though this would make him acting President *de facto*, he would become acting President *de jure* only after solemn recognition in some form by Congress.

THOMAS M. COOLEY.

MR. BUTLER.

DURING the illness of the President, much discussion of the constitutional provision concerning the Presidential office, and succession, found its way into the newspapers. The wide contrariety of opinion expressed seemed to show that this constitutional enactment had not been too carefully considered.

Intelligent answers to three questions will perhaps solve the difficulties. *First.* What is an inability to discharge the powers and duties of the said (Presidential) office? *Second.* Who is to determine the extent of that inability, so that action can be taken on such determination? *Third.* Who is to discharge the powers and the duties in case of inability?

The latter question would seem to be answered by the words of the Constitution, were it not claimed that a President only can so do. Were it not for this claim, the first question as to what is an inability would be of easy solution. The broad term inability includes everything in the condition of a President which precludes him from the full discharge of the powers and duties of his office. The cases of removal, death, or resignation being specifically provided for by the first words of the clause of the Constitution we are considering, the "inability" must be something either in the bodily or mental condition of a President, while he is President, which prevents his discharge of the duties of the office, or the exercise of its powers,—as examples, if the President is absent from the country, or closely imprisoned, or so prostrated by disease as to be physically incapable of doing his duties. Being in a paralyzed or cataleptic condition of body, while he might retain the faculties of his mind, a President would be unable, *i. e.*, incapable of doing the duties and executing the powers of his office—a strong illustration of an inability. No one could doubt in such case, though his official powers and duties were unexecuted by him, that he would be still President until removed by impeachment because of his physical condition. So, also, if because of mental aberration he was so insane as not to be able to distinguish between right and wrong which is the test of the condition of the mind of one who does an act which in its other elements would be a crime. Such a President, although still in office, would be held to be in a state of constitutional inability. Of these propositions there can be no contest.

But the question has arisen, how long must the President be in

such state of inability before the discharge of the duties and powers of his office devolve upon some other officer? The plain words of the Constitution, "in case of inability to discharge the powers and duties of said office, the same shall devolve upon the Vice-president," being imperative, make it certain that the discharge of these powers and duties becomes immediately the duty of the Vice-president. Cases can be easily put which illustrate and enforce this interpretation to the conviction of the mind of any man.

Suppose the President, being commander-in-chief in time of war, was captured by a foreign foe, would not every one say that from the moment of the capture his power and duties would devolve upon the Vice-president? Who would claim that while in the hands of an enemy the President was able to discharge the powers and duties of commander-in-chief; or that he would have the right to discharge the powers and duties of chief executive by signing a treaty of peace to which he might be forced by torture; or that if he attempted to do such an act under such condition, it would not be held to be beyond his capability?

When the fact of inability is ascertained, as in the extreme cases just put, where it ascertains itself, immediate succession to the duties and powers of the President is as imperatively fixed by the Constitution, once, in every case, as in those extreme cases.

This clause of the Constitution is to be interpreted reasonably, according to the circumstances of the case, in each of which time would be an element. No one would claim that the absence for an hour or a day, or a longer period, of the President from his duties, for any cause which would not disenable him to discharge those duties, would be a case of inability. But if the absence, or other cause of inability, continues until the public good or individual right requires their performance, would not such duties devolve upon the Vice-president? As an illustration of the second branch of the suggestion, suppose the case of conviction and order of execution, by a proper court, of a citizen, should occur where nobody could respite or pardon save the President, or the officer upon whom has devolved the discharge of the powers and duties of the office; and it should also happen that full, perfect, and complete proof of the innocence of the convicted party should make itself manifest, and no application for respite or pardon could be made to the President, by reason of his being

on the high seas, for a temporary purpose, even, beyond timely reach. Would not every consideration of justice and of right compel the interpretation that the official Presidential duty to hear and determine an application for pardon at once devolved upon the Vice-president, and that no ceremony, or taking of oath or inauguration, or publication of adjudication of inability on the part of the President could be required, the delay for which might defeat the very object of the application? And would there be any constitutional difficulty, upon the return of the President, to hinder his resuming the further discharge of the powers and duties of his office, the inability having ceased? There can easily be imagined cases of public necessity great and overwhelming,—as the breaking out of a rebellion or the mutiny of an army, where like and more extended, but not more imperative, necessity might arise for the temporary devolution of the duties and powers of the Presidential office upon the Vice-president, and no more difficulty in their being resumed by the President himself, when the temporary inability had ended.

Suppose Sumter had been fired upon and surrendered just after Mr. Lincoln had embarked on a voyage in search of health across the Atlantic, would the provisions for the safety of the Capitol from seizure by the armed force in rebellion have, of necessity, been delayed for an indefinite period until he could have been found—delayed, perhaps, by the breaking of a shaft, or the obstruction of a storm, for weeks or months? Has not the Constitution made a provision for another officer to act in such cases of Presidential inability? And would not Mr. Lincoln, when he returned, have resumed the powers and duties of his office, although during his inability the Vice-president discharged them?

The second question which I have propounded, Who is to determine the extent of that inability, so that action can be taken on such determination, seems to have been considered one of the greatest intricacy and doubt. In the discussions which I have seen, it has been claimed that the Constitution has made no provision in this regard, and several suggestions, more or less illusory in my judgment, have been put forth, which will not stand criticism. It has been stated that it is for the President, himself, to determine his own inability, and to call upon the Vice-president to act. If the Constitution has placed the determination of one inability with the President under one set of cir-

cumstances, of course it has placed it there in all cases of inability. Again, if the power to ascertain when his inability exists is given by the Constitution to the President, it is one of the duties and powers of his office which he is to discharge. No one would contend that the President is to be sole judge of his own inability by reason of insanity, because if he is sane enough to determine that question, being one of the duties of his office, he is sane enough to perform the other duties, and disability by reason of insanity does not exist. If he is so insane as not to discharge his other duties, he is too insane to discharge this one, and this one, like all others, devolves, by the Constitution, upon the Vice-president.

It has been suggested that his cabinet must determine this question. The Constitution gives no power to the cabinet as such, *i. e.*, the collective body of secretaries—does not even recognize it—as individuals, to determine any questions. Its constitutional power is advisory only, and the President must act at last, and the case supposes the President unable to act, and the advice of his secretary would be thrown away. Again, it is put forth that Congress should determine that question. Passing the difficulty of getting the two Houses together—which, in vacation, cannot be done except by proclamation of the President—and supposing the two Houses to be in session, they have no constitutional power to determine any such question. They can only act legislatively, and no action of theirs has force of law except to themselves, save by act, or joint resolution having the force of an act, either of which, to have force and effect, must be approved by the President. But the approval of an act declaring that the President is unable to perform the duties of his office, and that they devolve upon the Vice-president, would, of itself, be the actual performance of one of the highest executive duties, demonstrating that he was not unable to discharge the duties of his office. This suggestion of the action of Congress seems to me to have arisen from want of consideration of the fact that each act of Congress must have for its validity the concurrent action of the President. But here, again, the case supposes that the President is unable to act, and that both Houses have solemnly so declared. It has also been suggested that a case might be made for the decision of the Supreme Court, but that operation would be so tedious and inapplicable, and without warrant of the Constitution, as to place it beneath criticism.

These theories have been suggested, because it has been supposed that there is no constitutional provision for the decision of this question, and in that state of the question, those holding these views have suggested that Congress be called together by the President to devise some law which he may approve, to meet what they claim to be *casus omissus*.

I confidently maintain that if Congress were called together, and the President were in full health, it would be entirely incompetent, as it would be dangerously inexpedient, for Congress to pass any such law, as well as beyond its constitutional power, because, by the latter clause of the same section of Article II., which we are considering, it is provided as follows:

"And the Congress may by law provide for the case of removal, death, resignation, or inability, *both* of the President and Vice-president, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed, or a President shall be elected."

Now, a rule of interpretation of statutes and constitutional law, and more especially as to the latter, always regarded as controlling, is found in the maxim, *inclusio unius, exclusio alterius*. Or, freely translated, a special grant of power is always held to be the withholding of a general grant of power over the same and correlative subject matter. And the Constitution providing expressly what Congress may do in case of inability of *both* President and Vice-president, excludes the idea that Congress may by law add to or diminish the constitutional provision as to what shall be done in case of the inability of the President only, and the constitutional devolution of the duties of his office upon the Vice-president.

Of course Congress, being a legislative body only, could not of itself determine a judicial question — to wit, a question of supposed inability. Perhaps it might erect a tribunal for that purpose; but the danger in that would be that, as political bias always in political questions tinges and colors by predilection or prejudice the conclusions of the highest judicial minds, such tribunals, being beyond reach of impeachment because of any decisions made by them, would be guided by political consideration only as to the expediency of a change of administration, which could be thus made against the will of the people, the very theory of our government being that such changes shall only take place once in four years.

A most striking example of this tendency of the judicial mind was seen in the decision of the judges who composed a part of the Electoral Commission in 1876. Without impugning the motives or judicial fairness of any one, still the striking fact remains that every great question of constitutional law involved in that controversy was decided precisely according to the political relations of the several judges. If the majority were right, it was because they were Republicans. If the minority were wrong, it was because they were Democrats. If either were right, it was because they were politicians.

In my opinion, however, there is no necessity for any action of Congress or anybody else upon this subject, as the Constitution has made a plain, adequate, and proper provision, designating who is to be the judge upon a question of inability of the President to discharge the powers and duties of his office. It may be taken to be axiomatic that when the Constitution imposes a duty on any officer, to be done by him, he must be the sole judge when and how to do that duty, subject only to his responsibility to the people and to the risk of impeachment if he act improperly or corruptly. As we have seen, the Constitution devolves, in a certain case, the discharge of the duties of the President upon the Vice-president. He alone must judge, under the grave responsibility of his position, when his duties begin, as he must determine how and in what manner he will execute them.

If it be said that this is a very heavy responsibility to be placed in the hands of one individual, the cogent answer is that it is certainly no greater than imposing upon the same man the high powers and duties of the Presidential office.

All governmental powers must be reposed at last in some man or body of men. And in bodies acting by majorities, or even when acting with unanimity, all questions may be, and if disputed finally are, decided by one man. For example, in case unanimity is required, as in a jury; the jury does not agree, and nothing is done if one man holds to a contrary opinion from the rest. And it is obvious that all laws may be enacted at last by one vote, as indeed all officers may be chosen by one vote. And this fact is recognized by the Constitution when it provides that the Vice-president shall have the casting vote of the Senate.

But it is said that the Vice-president, in his desire to seize upon power, may be under such influences that it would be unsafe to trust him with the decision of this question of inability.

The fear of danger implied in this proposition arises from another error into which some who have discussed the question have fallen; and that is that the Vice-president cannot discharge the duties of the Presidential office without becoming President, for which proposition there certainly is no constitutional authority.

The Vice-president, the President being alive and able to perform his duties, has but one duty imposed upon him by the Constitution, and that is to preside over the Senate; and that duty is to be performed by him at all times when present, unless "he shall exercise the office of President of the United States."

Now to apply these provisions: So long as the President is living, and has not resigned, or been removed, he must be the President of the United States, and nobody can "exercise that office" but himself. But the powers and duties of the office may devolve upon the Vice-president while the President is unable to discharge them, being alive.

The Constitution plainly presupposes, as I have already suggested, that during inability of the President, the Vice-president shall discharge the Presidential duties as part of the duties of the Vice-president, and, of course, under his oath of office as Vice-president; and that he cannot exercise the office, *i. e.*, cannot become President, the President being alive.

His inability to discharge the duties of his office may cease; and therefore the discharge of the powers and duties of that office, in case the inability of the President is only temporary, is liable to be terminated at any moment when the President's inability ends.

This view is in consonance with the whole theory of an alternative officer in all parliamentary bodies and in all executive offices. For example, the Lord Chancellor, as speaker of the House of Lords, has a deputy who presides in the absence of the Chancellor, and relinquishes his seat at once upon the appearance of the Chancellor, and that whether the Chancellor, during his absence, is able or unable to perform the duties of his office. So with the governors of all our States; the lieutenant-governor comes in under constitutional provisions for the time being only, during the absence or inability of the governor, and no harm has ever come to any State from such provision.

The Constitution itself, by its language already quoted in regard to the inability of *both* President and Vice-president, in

providing that the officer that Congress may elect "shall act as President *until* the inability to act shall be removed, or a President shall be elected," proceeds upon the theory which I have suggested, that the acting officer provided for by Congress, in case of disability of both, shall act temporarily until the disability either is removed, or a President shall be elected. Therefore, the construction I claim here of the constitutional provision in regard to the relations of the President and Vice-president during the inability of the President, is in entire consonance with the practice in regard to all legislative and executive offices, where alternates are provided.

A precisely similar case was contemplated by the Constitution when it was provided that the Senate might elect a President of the Senate *pro tempore* during the absence of the Vice-president, his absence covering the case of his inability, because if he is unable to do the duties, he cannot well be there, and, therefore, is absent.

Criticism suggests that an insane Vice-president might be present in the Senate. That is a technical criticism, and may be answered by the fact that the Vice-president in such case would not be there, his mind being absent.

This interpretation ought to allay the fears of all good people as to the temptation of a Vice-president, in a doubtful case, to insist upon the discharge of the duties of the President. A case can hardly be imagined of inability which would not be temporary, and the Vice-president would have no temptation to thrust himself into the discharge of the duties of the office of the President, wherein he could do nothing by possibility that would be permanent, and without surety that his powers to discharge those duties would last for a single day. He might nominate a few officers, but if he had thrust himself into the discharge of the Presidential duties wrongfully, the Senate would never confirm his nominations. He might approve laws, but the Houses of Congress will never send any acts to a Vice-president for approval who should decide the question of the inability of the President in a manner to shock the sense of the people.

The fact that, upon the death of President Harrison, Mr. Tyler took the oath of office as President, and claimed to be and was recognized by Congress as President, apparently misled those who have the fears that I have indicated.

Mr. Tyler, after the death of the President, was to "exercise," by the words of the Constitution, the office of President for the

remainder of the term of four years, and there was no harm in recognizing him as President, as he was *de facto* and *de jure*, if not in name.

The cases of Fillmore and Johnson followed that precedent, which was not a precedent in case of temporary inability, the President being alive.

Every man fit to occupy the office of Vice-president would reluct with the strongest possible feeling of repugnance against undertaking the discharge of the duties of President so long as the question of the extent in degree, and as to duration the time, of a supposed inability of the President remained uncertain. But it would be his pleasure, if not his duty, to wait until some emergency arose where Presidential action was necessary for the safety of the Government or its citizens before he would consent to act; but in any emergency it would be his imperative duty to act, whatever might be his wishes or desires, and to act only so long as the inability continued, or perhaps only until the emergency had passed.

BENJAMIN F. BUTLER.

MR. DWIGHT.

IN considering the question of Presidential inability under the provisions of the United States Constitution, there are three leading inquiries: I. What is "inability"? II. By whom is the fact of its existence to be decided? III. What is its effect, when established, upon the continuance of the President in office?

I. Before examining the first question, it is proper to state that words in the Constitution are not in general used in a popular, but rather in a legal, sense. The meaning of the words is to be taken from the English common law. The Constitution has been aptly termed an "instrument of enumeration and not of definition." Accordingly, when provision is made for the tenure of the President's office, words well known to English common-law jurists are used. The true signification of inability cannot be ascertained without bearing this fact in mind.

The text of the Constitution is as follows:

"In case of the removal of the President from office, or of his death, resignation, or *inability* to discharge the powers and duties of the said office, the

same shall devolve on the Vice-president, and the Congress may by law provide for the case of removal, death, resignation, or *inability* both of the President and Vice-president, declaring what officer shall then act as President, and such officer shall act accordingly until the *disability* be removed or a President shall be elected."—*Article II., Section* 1, *Subdivision* 6.

It will be observed from the words italicized that "inability" and "disability" are used as equivalent expressions. To constitute a case of "inability," there must be a "disability."

Now, disability to transact business, or to hold or perform the duties of an office, has been well defined in the rules of the common law, and its meaning was perfectly understood by the framers of the Constitution.

Consult such an old work of good repute as Jacob's Law Dictionary, and you will find "disability" in law defined as an *incapacity* in a man to inherit lands or to take that benefit which otherwise he might have done. It is added that this may happen in several ways, as by the act of an ancestor, or of the party himself, by the act of God, or of the law. Disability includes such cases as attainder for treason, insanity, alienage, etc. The term will in like manner apply to one holding an office. There is a close analogy between disability in this case and one involving an incapacity to make a conveyance. Thus there was an old rule of law that a grantor in a conveyance could not, in some instances, plead in court his own incapacity, to avoid the effect of his grant. In legal phrase, he could not "stultify himself." This rule was applied in Lord Holt's time to an office-holder, and the office-holder could not himself say that he was such an idiot or fool that he could not perform the duties of the office, so as to avoid an act done by himself. (King *v.* Larwood, Carthew's R., p. 306. A. D. 1694.) There might be a disability in a monarchical government which could not exist here, as, for example, infancy, such as occurred in the reign of Henry VI.

This technical meaning of "disability" is the only safe one to adopt. To take "inability" or "disability" in a popular sense would be to enter upon a shoreless sea of conjecture. In a legal sense, an officer cannot be disabled except for clearly defined causes. In general, therefore, there must be intellectual incapacity, such as is recognized in a court of law as unfitting a man to make a grant.

A good illustration of the length to which even able men will go when they consider official inability from a merely popular

point of view is found in the over-subtle theory of Sancroft, Archbishop of Canterbury, when King James II. fled the kingdom. Being a high Tory, he would not listen to the Whig notion that the King had abdicated his sovereignty, and that the throne was vacant. No; James was still King, but he was in a state of "inability." Being in this condition, a deputy, according to English views, might sign official papers in his name, and generally act in his behalf. His reasoning curiously resembles that of some modern writers, and will bear quotation. He says:

"The political capacity or authority of the King and his name in the government are perfect, and cannot fail; but his person being human and mortal, and not otherwise privileged than the rest of mankind, is subject to all the defects and failings of it. He may, therefore, be *incapable* of directing the government and dispensing the public treasure, etc., either by absence, by infancy, lunacy, deliracy, or apathy, whether by nature or casual infirmity, or, lastly, by some invincible prejudices of mind, contracted and fixed by education and habit, with unalterable resolutions, superinduced in matters wholly inconsistent and incompatible with the laws, religion, peace, and true policy of the kingdom. In all these cases (I say) there must be some one or more persons appointed to supply such defect, and vicariously to him and by his power and authority to direct public affairs."

This nonsense of a King being under a theoretical incapacity, while as a man he was intellectually capable, imposed upon no one but Sancroft himself, and others equally prejudiced. The common sense of England asserted that no deputy should be appointed over a King unless he was intellectually incapable. Lord Macaulay states correctly the prevailing English rule. "It was universally acknowledged that, when the rightful sovereign was intellectually incapable, a deputy might be appointed to act in his stead." It may be safely concluded that this, and no more, is intended by the United States Constitution.

If there be mere physical inability, the case would seem to be free from real difficulty. If the President's hand be, for example, disabled so that he cannot sign official papers, it would be ridiculous to say that there was a constitutional "inability." The real test of inability is, whether he has intellect enough to preside over the transaction. One who signs in his name, and in his presence, at his request, may fairly be regarded as his instrument, and the act done be regarded as his act. At all events, it would seem that Congress might authorize such a signature, in accordance with well-established English precedents, as applied

to royal acts. This rule was applied by Parliament in the reign of George IV., who in the latter part of his reign had found it inconvenient and painful to subscribe with his own hand. The King was authorized to empower by warrant or commission one or more persons to affix, in his presence and by his command, signified by word of mouth, the royal signature by means of a stamp. It was distinctly understood that the King's indisposition was merely physical, and that the proceedings then adopted should not thereafter be drawn into a precedent if the mind of any future King should become affected. (24 Hansard Debates, New Series, 986, 1062, etc., etc.) There are still earlier instances in which English Kings—as Henry VIII., Edward VI., and William III.—caused their names to be affixed by a stamp, without Parliamentary sanction. These are no longer followed in England. It is a significant fact, shown by the debates in the Convention that framed the Constitution, that the delegates determined to leave the provision under consideration as it stands, notwithstanding an objection that the word "disability" was obscure. Thus, on the 27th of August, Mr. Dickinson remarked that the clause was too vague. "What," he said, "is the extent of the term 'disability'? and who is to be the judge of it?" (5 Elliott's Debates, 480, 481.—Lippincott, A. D. 1876.) This suggestion produced no effect. There can be no other explanation of the retention of the clause except that the Convention thought the term disability sufficiently clear under the rules of the English common law, and that there were sufficiently precise methods of ascertaining its existence.

II. The mode of establishing or proving intellectual incapacity as a disability is not pointed out in the Constitution. Still, it is quite apparent that there must have been an intent on the part of its framers to have the existence of the fact established in some authentic way. Here are four distinct facts, upon the occurrence of which the Presidential office may devolve upon a successor. These are removal from office, death, resignation, and inability. Each of these, being facts, is susceptible of proof. Nay, more, they *must* be proved before it can be known authentically that there has been a devolution of office. The presumption is that the President is not removed from office, is not dead, has not resigned, and is not in a condition of inability. The burden of proof rests upon any person who asserts the contrary. Suppose that the Vice-president should be

an ambitious man, eager to occupy the Presidential seat, and should issue an order as commander-in-chief to the general of the army. Will that functionary obey the order without evidence of the existence of inability? If the President is removed from office, there must be a record of the judgment of removal; if he has resigned, there must be evidence of the resignation. Why must not there be in like manner evidence of inability? Nothing is better settled than the principle that the legislature has complete power over the whole subject of evidence, so far as their exercise of it does not violate vested rights, or subvert some fundamental principle of government. Congress, accordingly, has plenary power to enact rules for proving the fact of inability. The *definition* of the term "inability" is not within the sphere of legislation. That is a judicial question. How to establish its existence is a legislative matter, under the rules of evidence, involving, as it may, the tranquillity, and, perhaps, even the existence of the Government.

It would follow that some proper legal proceeding might be instituted by Congress, in which the evidence required by law might be presented under the general power to carry into execution all powers vested by the Constitution in any department or officer of the Government. (Art. I., sec. 8, clause 18.)

This question of proving the existence of mental inability arose in the case of George III., in England. In November, 1788, that monarch having been for some time absolutely incapacitated by insanity from doing a valid act, proceedings were taken to set up a regency. In order to establish legally the fact of incapacity, a meeting of the Privy Council was called, attended by all the Privy Councilors, at which the King's physicians, being examined, unanimously agreed that the King was wholly incapable of meeting Parliament or attending to public business. They believed in the probability of his ultimate recovery, but could not limit the time. This official examination into the case was laid, by the president of the council, Lord Camden, before Parliament. As there were doubts whether Parliament ought to be satisfied without receiving the personal testimony of the physicians, a committee was appointed in each House, who, having heard the physicians, confirmed the previous report. Mr. Pitt in the course of the proceedings moved three resolutions, the first of which affirmed that the personal exercise of the royal authority was interrupted. On this basis were founded

the two others, asserting the rights of the two Houses to supply the defect, and the necessity of providing a mode of giving the royal assent to bills passed by the Houses.

The important point in these proceedings is, that incapacity was decided on competent evidence before a legitimate tribunal, Parliament, who disposed of it as a matter of fact. So when a similar question arose in 1810, the ministers, following the precedent of 1788, proposed three resolutions, the first of which affirmed the King's incapacity, while the others, as before, asserted the power of the Houses, and the necessity of its exercise.

There was at this time a highly irritating controversy upon the point whether the Prince of Wales was *entitled* to the regency. Into the merits of this question it is not necessary to enter. No one of his most violent partisans ventured to maintain that he could decide the question of incapacity. The most extreme position taken in his favor was that he might assume executive functions on *an address* or resolution of the two Houses instead of by *bill*. The latter method was adopted. Had the Prince of Wales, under bad advice, ventured to grasp the reins of power without Parliamentary sanction in some form, and had been sustained by his party, he would apparently have dragged the country to the brink of a revolution. There is, however, a greater difficulty in such cases in invoking the act of Parliament than that of Congress. The King is, himself, a necessary element in constituting a Parliament. This is not true of the President in his relations to Congress. Still English statesmen, according to this precedent, will not dispense with the sanction of the two Houses of Parliament, though it is only by the merest fiction that the assent of an insane King can be given to the appointment of a regent to act in his stead. Though these proceedings do not directly affect the construction of our Constitution, since they took place after its adoption, yet they are highly instructive, as showing the views of English lawyers, of consummate learning and ability, on the correct method of establishing under the common law executive inability.

If this view is not sound, what is the dangerous alternative? The successor may decide absolutely as to the incapacity of his predecessor in office. Can it be that the wise men who framed our Constitution had any such intent? Our Vice-president may at one time be a Henry Wilson, at another, an Aaron Burr. Re-

member, that a President alleged to be incapable is still a President, apparently in office. Suppose that he thinks that he is not incapable? Who shall decide between the real and the phantom President? Who shall give orders to the army? Who shall open the penitentiaries by the pardon of criminals? Unless Congress may establish conclusively the laws of evidence on this subject, our written Constitution becomes an unyielding weapon for our destruction, instead of an invincible shield for our protection. The conclusion seems to be that Congress may either fix a rule of evidence in the particular case in which inability is claimed, and if that be established, perhaps address the Vice-president to assume the duties or office of President, or may pass general rules, framed to meet such contingencies as may from time to time arise.

III. The final point concerns the effect of inability. Here there is a most marked distinction between the English system and our own. Inability of a King introduces a regency, which is in its theory temporary. Recovery from a supposed hopeless insanity by a monarch displaces the regent. In the United States it is otherwise. The framers of the Constitution desired, as far as possible, to avoid a state of affairs resembling a regency. This is clearly shown by the provision already cited. Its language is: "In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, *the same* shall devolve on the Vice-president."

There may be a question whether the words "the same" refer to "the powers and duties of the office," or to the office itself. The latter would appear to be the correct construction. There are four cases to which the words "the same" apply with equal force: (1) removal from office; (2) death; (3) resignation; (4) inability. What "devolves" on the Vice-president in the first case, devolves in each of the others. In case of the President's removal from office it will scarcely be denied that the office devolves. So it must be in cases of death and resignation. Why not then in case of inability?

Some light is shed upon the true construction of this portion of the Constitution by its history. At first (see Convention debates of August 6th), it was presented in the following form: "In case of his removal, death, resignation, or disability to discharge the powers and duties of his office, the president of the

Senate shall *exercise those powers and duties* until another President of the United States be chosen, or until the disability be removed." (5 Debates, 330.) Observe that the words are confined specifically to powers and duties, and the functions of the president of the Senate are distinctly temporary. The report of a committee on September 4th pursues the same form of words, except that the Vice-president is substituted for the president of the Senate. (Debates, 507.) Then, on September 7th, were added the words: "The legislature may declare by law what officer of the United States shall act as President in case of the death, resignation, or inability of the President and Vice-president, and such officer shall act accordingly until the disability be removed, or a President shall be elected." (Debates, 520, 521.) This added clause remained in substance in the final revision. The first branch of the paragraph was recast. The specific reference to powers and duties was deliberately rejected, as well as the words "until the disability be removed." The word "exercise" was dropped, and "devolve" substituted. No one free from bias can read the debates of the Convention without a strong feeling that, when it was finally determined that there should be a Vice-president, instead of a mere president of the Senate, it was the general desire that he should be an officer of great dignity and consequence, in case of a Presidential emergency. To this feeling the changes in phraseology which have been referred to are doubtless to be attributed.

The contemporaneous exposition of the words used corresponds with this view. In the debates of the Virginia convention called to consider the proposed Constitution, Mr. Monroe, while criticising it, raised the objection that the Vice-president was to *succeed* the President in case of disability. To this Mr. Madison, who had much to do with the clause under discussion, and who was swift to answer unfounded criticisms, made no reply. (3 Elliott's Debates, 490.) The same position is taken in Mr. Luther Martin's letter. His words are: "As to the Vice-president, that great officer of government, who is, in case of the death, resignation, removal, or inability of the President, *to supply his place*, and be vested with his powers," etc. (1 Debates, 378.)

Reference may also be made to the Twelfth Amendment to the Constitution, as showing the opinion of leading statesmen when that was adopted. The last clause of the first section of the amendment provides that if the House of Representatives

shall not choose a President before the fourth of March, in the case where they have the power of choice," the Vice-president shall act as President, as in the case of the death or *other constitutional disability* of the President." In this case it is manifestly intended that the Vice-president shall be President for the entire term, and all the constitutional disabilities, including death, are treated as being precisely similar in their effect. The thought would have been complete if only these words had been used: "As in the case of the death of the President." If the words "other constitutional disability" vary the sense, and refer to a temporary function of the Vice-president, the Twelfth Amendment results in a jumble of words, without consistency of meaning. This amendment was recommended by the Eighth Congress, and its ratification announced September 25, 1804, while the debates upon the Federal Constitution were yet fresh in the minds of our statesmen, and when a mistake in the effect of a Presidential inability could scarcely have taken place.

The result is that, in case of the disability of the President, the Vice-president becomes President with all the functions of the office. What can take the office away from him? Nothing in turn but *his* death, removal from office, resignation, or inability—not the removal of the disability on the part of the former President by reason of which he succeeded to the Presidential office. The Constitution means that there shall be no interregnum except in one case, and that is where *both* the President and Vice-president are under disability in the cases therein specified. Then alone is there to be an acting President, as distinguished from a true President, Congress then having power to treat the office as *vacant*, and to provide for an election to fill it. An acting President is accordingly necessary until the vacancy is filled by election, or, if there be no election, until the disability is removed. Consider for a moment the effect of the "regency" theory. In a monarchical government, owing to the life tenure, a regency is sometimes unavoidable, however injurious to the nation it may be. The King must rule until he dies. On recovery from the worst form of insanity he must resume his royal functions. But in a government for a fixed term of years there is no such necessity. The term of office may easily be made to terminate before its regular period by the happening of an untoward event such as inability. Adopt the "regency" view and the evils may be manifold. Suppose that there be a case of intermittent insanity

during a Presidential term of four years; when the first attack supervenes, the Vice-president becomes temporary President. The policy of the Government perhaps changes. He may be of a different party even from the President. The President recovers and resumes his seat with the old policy restored. This might happen several times in the course of a single four years' term. It is unnecessary to suggest the injurious effect upon our foreign and domestic relations of such fluctuations in policy during the fragmentary restorations of a mind in ruins.

But if the true sense of the clause under discussion be that in case of inability the powers and duties of the Presidential office, and not the office itself, devolve upon the Vice-president, the result is not materially different. How can the powers and duties, having once "devolved," be returned to the President in case the disability is removed? The Constitution is silent; the law knows no method of canceling a devolution and restoring the parties to their original position.

It may be asked, How could the framers of the Constitution have consented to pass the Government over from the President to the Vice-president, the former being presumably the people's choice? The answer is, that neither of them was then deemed to be the choice of the people, but rather that of the electors. When this clause came into the Constitution of 1787, the Vice-president must necessarily be a person who might have become President by the vote of the electors, and who was voted for by them, but who had not received votes enough to confer that office upon him. Even when the choice devolved upon the Senate, he must be selected by that body from the class of persons voted for by the electors as candidates for the Presidential office. He was likely to be a man of national eminence and of a high grade of statesmanship. The objections to devolving the office upon him in case of the President's inability were not deemed to be equal to the evils to be apprehended from fluctuations in policy or feebleness in government, likely to be incident to a mere temporary exercise on his part of Presidential power. If his power were temporary, might he not intrigue for its continuance, and thus cause political disturbance and commotion? Arthur Lee wrote to John Adams, in 1787, that the "sole business of a Vice-president seems to be to intrigue."

If he were to take the Presidential office at all, a strong point was to give him a fixity of tenure. When the methods of electing

the President and Vice-president were reduced to their present form, in 1804, the section under examination remained unaltered. The results of the discussion may now be briefly summed up. The "inability" of the Constitution is strict intellectual incapacity. This condition of mind must be established by evidence under forms of law, which Congress is competent to prescribe. When such inability is properly established in the case of the President, his office devolves upon the Vice-president, who thereupon becomes President, retaining the office until the end of the four years' term, unless a constitutional disability occurs in his case.

The people of the United States will not, in the absence of the clearest evidence of mental inability, be satisfied to part with the services of a President, at the present day, practically of their own choice, and to forego his share in legislation, his power to command the army and navy, his general authority in the enforcement of the laws, and to lose the benefit of his capacity to temper the administration of justice with the quality of mercy.

THEODORE W. DWIGHT.

ENGLAND'S HEREDITARY REPUBLIC.

WHEN De Tocqueville, some fifty years ago, wrote his philosophical analysis of republican institutions, he delivered to the world one of the most curious and exhaustive descriptions, not so much of American democracy, as of the merits and demerits of aristocratic forms of government. At heart a child of the old *régime*, his sympathies were with the past which had been so lately destroyed. He grieved inwardly for the pomps and pageants of courts, for the existence of a banished nobility at home, and yet there was a leaven in his mind of sound sterling sense which forbade him hiding from himself the true meaning of past events in France. De Tocqueville was one of the earliest of his class to recognize the immense change in European thought of which the upheaval of the French Revolution was the outward manifestation. France was to him a burning volcano of human energy. He wished to study the future of its seismic effects by directing his attention to another country, where the meaning of the subterranean phenomena which he had witnessed at home might be more profitably and advantageously studied. Rightly, therefore, he bent his steps to America, and he brought to bear on the contemplation of its institutions that brilliant genius and power of epigram of which he was the unrivaled possessor. Against himself, almost, he felt bound to conclude that the future of Europe, the future of the human race, surely tended toward the gradual achievement of that social and political equality of conditions which he had witnessed in America. Relinquishing thus, with one last pang of regret, his cherished ideal, and yielding himself up to the inexorable reasoning of his own mind, he concludes the last page nearly of his work with these words:

"J'aperçois un grand nombre de mes contemporains qui entreprennent de faire un choix entre les institutions, les opinions, les idées qui naissaient

de la constitution aristocratique de l'ancienne société. Ils abandonneraient volontiers les unes, mais ils voudraient retenir les autres et les transporter avec eux dans le monde nouveau,—je pense que ceux-là conserveront leur temps et leurs forces dans un travail honnête et stérile; il ne s'agit plus de retenir les avantages particuliers que l'inégalité des conditions procure aux hommes, mais de s'assurer des biens nouveaux que l'égalité peut leur offrir; nous ne devons pas tendre à nous rendre semblables à nos pères, mais nous enforcer d'atteindre l'espèce de grandeur et de bonheur qui nous est propre."

Had the old nobility in France been other than what they were, and realized their position, as De Tocqueville, writing after the French Revolution, was able to do, this passage of De Tocqueville might never have been written. Not only was he struck by the grandeur and vastness of America, the vitality and freedom of its institutions, and the political ability of its people, but he insensibly contrasted this feeling with the recollection of what his own class had proved themselves to be; he felt weighted and tied by his own country's history, and in one breath he conceded the right of his class to rule, and signed away their political inheritance. Yet, had he turned his eyes to England in these last moments of aristocratic despair, he might have even yet taken comfort. In England the aristocracy had early learned the lessons which De Tocqueville's fellow-countrymen had failed to understand, and the political eruption which buried the aristocracy of France, like another Pompeii, beneath the ashes of popular rage and democratic passion left almost untouched in England these same remnants of a feudal past, these ancient monuments of a nation's history.

It is not our business in this article to enter on a discussion of those principles of democratic self-government which De Tocqueville wrote about, though from time to time we may allude to them to draw a contrast with those particular institutions which form the subject matter of our inquiry. The basis of English political life is far nearer in sympathy with the ideas of the American republic than France either was or is to-day, under its so-called republican institutions. This fact we shall try to demonstrate. The great difference between England and America does not lie so much in their vital functions of government as it does in their means of carrying them into effect. The primordial type from which each has differentiated is the same; they vary in their physiological development. The genus is the same, the species is different.

One might suppose that the very idea of a landed aristocracy exercising considerable, if not exclusive, power in the state, would be so hateful a conception to the American people that they would condemn the very existence of such a state unheard. Yet, the country from which America derived many of her own laws, and of whose people she is to a large extent the blood relation, has not only succeeded under these aristocratic institutions, but has, in one shape or another, bequeathed her form of government as a heritage to other European states less favored in their political birthrights. One thing, however, she has not bequeathed, namely, the public spirit of her privileged class. This public spirit has been the product of the country itself, and owes its origin to England's former history. From the very earliest times, the English people seem to have been different from their Continental neighbors. When Germany was still a collection of petty states, ruled over by independent sovereigns, who held their domains in feudal allegiance to the German Empire; when Italy was the battle-field of Europe, and the Pope reigned supreme at Rome; when first Spain, then afterward France, represented the two culminating instances of kingly and aristocratic power, England, the home of an independent race, was gradually and slowly consolidating the principle of representative institutions. Her Parliament, which, in its origin, was completely feudal in its character, soon began to claim for itself the right of free discussion, and immunity of arrest for its members. It scrupulously reserved to itself the right of levying taxes; and early in its history it claimed the right of exercising paramount control over the military forces of the realm. Its precedents were respected by the Crown, and neither Henry VIII. nor the powerful Elizabeth ventured to impose upon it the kingly prerogative. Thus the slow and gradual development of representative institutions went on in England, and might have continued, had Charles I. been sufficiently gifted intellectually to foresee the consequences of his rash attempt to override his various parliaments. We know the result of the struggle which took place; America profited by it; for during those turbulent times many were the bold and independent spirits who preferred to forsake their mother country rather than be ground down by the exactions of an autocratic power. The religious element had much to do with the development of free institutions in England, since it raised up a spirit of inquiry among the people, and stimulated intelligence at a time

when all learning, such as it was,—poor scholastic stuff,—existed solely in the universities. Nevertheless, it is a strange thing to note how great is the effect on a people, as with the individual, of its antecedents. In this respect, America has been far more favored than other countries. She has had no monarchical dogma to contend with; no theory of divine right in kings to rule was ever an accepted creed with her people. England, however, like all countries in Europe, has suffered heavily in some periods of her historical growth from those two maws which for centuries sucked out the life-blood of Continental nations—"the political power of the Roman Church," and the "survival of feudal institutions." The former she got rid of early in her history, owing to the ambition and cupidity of the greatest despot that ever occupied an English throne, and having once conquered her liberty in this respect, she was not the country to allow the system to be re-imposed upon her by the Stuarts. The English aristocracy, moreover, were essentially liberal, in the sense that a great majority of them were ever ready to control the autocratic power of the Crown. The people, on the other hand, were sincerely loyal and devoted to their institutions, and were imbued with a religious, not to say ascetic, instinct, which found its first clear expression in the ranting fervor of the Puritans, and later on, in the last century, again developed under the teaching of Wesley, Whitefield, and other preachers of ecstatic creeds. No feature of the English, as a race, is more remarkable than this spirit of religious enthusiasm; it is a totally distinct feature of the people, and finds no counterpart on the Continent. America alone has shown the same spirit, not only in the character of its early communities, but also, later on, in the fervor of its social and political life. Abroad the people were either bigoted Romanists, sunk in the depths of credulity and ignorance, until the day came when Voltaire, with his matchless sarcasm, exposed the whole system; or they professed the reform doctrines, partly from religious beliefs, no doubt, but far more largely for political reasons. Protestantism on the Continent was essentially a democratic movement. The Church in England was the religion of the people. It is necessary to note this fact with regard to English institutions; for next to the Crown and the aristocracy, no power has been greater in the state than the Established Church, nor has exercised a greater conservative influence on its institutions; this never

could have been the case except with a highly religious, not to say austere, people.

Hardly at any time, then, in English history could we say that England was governed by a really autocratic sovereign—representative institutions, though in their infancy, always existed; their real development, however, did not take place till after the Revolution, and later on, after the expulsion of the Stuarts.

As we have said, a nation is supremely hampered by its past history, and, at the time of the Commonwealth, England was as unsuited to republican institutions as America would to-day be to a monarchy. No individual can cut himself free from his former associations completely; education is a slow process with the individual and far slower with a whole nation. It takes centuries to disabuse a people of an hereditary prejudice, as it does a lifetime to eliminate an early dogma of one's faith. Circumstances may naturally so act as to stimulate the education of a people very rapidly, as has been the case in America,—the presence of innumerable fields of enterprise before a people, and the stern necessity of struggling with new surroundings, early develops in a people or an individual a spirit of self-confidence and a store of personal experience which it is impossible to obtain in an older and more settled country. Hence, free institutions were of slow, though steady, growth in England. It is interesting, however, to watch the history of the development of ideas, and the mode by which the government of England, which at one time in its history was essentially oligarchical, not to say autocratic, has gradually developed into the form of what we have called an "hereditary republic."

So far, we have contended that the idea of government of the people by themselves was one which began early in English history to play a part in the development of its later institutions; the influence and power of the Crown persistently tended to oppose its development, and it was not until the time when this influence became as largely circumscribed as it is to-day, that a free voice could be given to the people in the choice of their own rulers.

The British Constitution is, in many ways, similar to the mansion which a rich man might have built himself on the site of the ruins of some ancient feudal castle. He finds himself compelled to pull down a portion, in order to make its interior arrangement suitable to modern civilized ideas; but while he thus sacrifices a

part, which he is forced to rebuild and add to from time to time, according to his wants and his ways of living, he retains, from affection's sake, for its old associations, a part of the keep. Its ivy-grown walls of solid masonry seem to carry him back to the early history of his country; they remind him of the many scenes of love and war in the lives of his ancestors. He converts the ancient structure to a modern use, so far as he is able. He makes a compromise with his comfort to save a part; he converts it into the entrance hall of his abode, he adapts it for his kitchen, or he fences it round with care and incorporates it into his garden. The Crown and the hereditary aristocracy of England are, in the Englishman's state abode, the remains of feudal architecture which have been preserved. He has adapted them to the state requirements of modern times, and he has sanctified their anomalies with his national veneration.

America, on the other hand, chose another site for her dwelling. Her national palace was designed by the wisdom and genius of great architects; the builders of her courts were men who felt they were building for posterity, for the future greatness of her empire, for the peace and prosperity of mankind to come after them. It was no Doric temple, no early Roman basilica, no Gothic cathedral or Renaissance palace that their minds conceived, but a wholly new order of architecture was to be here represented—the order of a free republic.

America was thus able to start in her building where England is only now laying her foundation. The decentralized system of government which forms the corner-stone of American institutions was impossible in an old monarchical country. Yet, even in England, centralization never went the lengths it did abroad: thus France, with its so-called republic, does not possess the local autonomy which England exercises in her county administrations. The governmental centralization of America, and its administrative decentralization, fills the mind of a French writer like De Tocqueville with unbounded admiration. Bureaucracy was his bugbear then, as Beadleocracy is ours now. The hereditary aristocracy of England largely contributed to the development of our local institutions. The old local courts of the baronial times, which gradually became extinguished before the growing importance of the courts of Quarter Sessions, and the institution of the grand jury and unpaid magistrature of later times, was the first installment of local self-government;

and though we have not proceeded so far in this direction as to popularize these institutions by bringing them on, as is done in America, to the test of popular election, we are far advanced on the road to conceding the principle in its entirety.

For many centuries in England the aristocracy have exercised paramount influence on the administrative and executive functions of English government, from the fact of their landed position and the qualifications which were necessary to confer the franchise. Open voting also gave these large landowners an immense control over the elections, since all farms being held on yearly agreement, a farmer politician was at once summarily got rid of, or silenced by natural dread of consequences. The laws of landed succession and the power of making deeds of entail were the great means by which the English aristocracy kept together their large estates. Unlike France, the same laws governed the aristocracy and the people; there were no exemptions from public burdens in England, and no laws of succession applied to peers which were not equally applied to commoners; yet the peers and landed aristocracy were the only class who cared to employ the protection of entail deeds to preserve the succession of their estates, and the custom of primogeniture, and free powers of testamentary disposition, which have been for so long a main feature of our domestic history, have contributed largely to develop in England a family-founding instinct. The existence of the Crown, too, as the so-called "fountain of honor," ready to dispense rewards of titles and distinctions for public services, or private compliancy, was a never-failing stimulus on the other hand to create family ambition, and encourage the accumulation of hereditary estates. Thus, the history of England, like that of other countries of Europe, contains the names of great hereditary families who, generation after generation, have been the trusted servants of their sovereign, and who have bequeathed their titles and their landed possessions to their living descendants.

America, on the other hand, disestablished the beginnings of an aristocratic class so soon as she gained her independence. The thought of a landed aristocracy was hateful to her ideas of citizen equality—not that she ever objected to the foundation of vast fortunes in the hands of single individuals, but she objected to the establishment of a class who should be

able to connect themselves with the land, and found families, when what the country wanted was a national feeling. This national feeling existed, however, among the English nobility, and in a far greater ratio than it is found in a country which possesses solely a plutocracy. The danger to a country which is possessed largely by men with considerable fortunes and without personal responsibility is, that national feeling in the class is apt to slumber, enterprise is quenched, a spirit of bourgeois mediocrity reigns over all. This is what we see to a considerable extent in France. America, however, could not suffer from this danger; her territory is so vast, its resources are yet so inexhaustible, that the enervating lethargy of universal riches cannot affect her. The vast movement which is perpetually going on arrests the crystallization of energy. One of the problems of the future in America will be how to deal with her laws relating to the accumulation of capital in a few hands. It will not be an aristocratic problem she will have to solve, but it will no less be an autocratic one. The centers of trade, instead of the centers of political power, may fall under the control of too few hands for the general benefit and good of the people, and she will have to consider how, without inflicting a deadly blow to the right of property, and the stability of her social institutions, she may limit to some extent the formation of a huge moneyed aristocratic class, largely tinged with ideas borrowed from the old civilization of Europe. In England the problem is a political one; in America it is commercial.

If America were too severe in the legislation she adopted, she might drive her rich men to become absentees, like Irish landlords, in England or in Europe; and in England, if we were to eradicate and destroy the family-founding instinct by establishing complete subdivision of property, we might find that we had reduced the rich or upper classes to the level of the purest spirit of egotism. Every one would live solely for himself, with a complete disregard for the political present and indifference to posterity. The French aristocracy, from other causes, has largely arrived at this condition. Absolutely excommunicated by its own short-sightedness from all political power, it has become a complete bric-à-brac, a very embodiment of the art-treasures which the modern millionaire loves to purchase for the salve which they offer to his dignity, although their utility may have long become impossible. England's institutions have not,

however, arrived at this pass; nor is there apparently much chance of their speedily doing so. It cannot be denied that there is a strong so-called democratic party in England, but its ultra section is not represented by men of any general bearing and influence; they are, like their opposites, the stanch, unyielding Tories, the warts and wens on the face of the political body; they do not beautify its features, but they form no part of its real physiognomy. The real predominant characteristic of the English race is its intense caution and distrust of all theories pushed to their ultimate conclusions; and so long as the country sees its way to the carrying out of those moderate reforms which it has set its heart upon seeing accomplished, it is content to leave the abstract problems of popular government, and the foundation of modern Utopias, to the barren discussions of theoretical reformers, or the intellectual analysis of the philosopher. English public opinion requires immense preparation before it is ready to accept an innovation, and it often prefers to see political abuses reform themselves by slow degrees rather than to apply the knife to produce a more rapid change. The reason of this is partly to be found in the calm and sober character of the people, and partly in the elasticity of its institutions. Like the Established Church, the British Constitution presents many anomalies, but, unlike the Established Church, it is likely to endure, owing to inherent powers of adaptation to altered surroundings, which the Church of England, or any other established church, could not, in the very nature of things, ever possess. No dogma of the English Constitution is irrevocable. The Crown, the Church, and the aristocracy exist (whatever the Tory party may please to believe) solely for the good of the people. Instinctively the Crown and the landed aristocracy feel this. Of the Church, as at present established, we cannot say the same,—the very existence of an established church is a standing insult to every intelligence that happens to disagree with its teaching, and it, moreover, exalts religion, which should be a matter of private sentiment in the individual, to the dignity of a universal formula. The Church has, however, at one period of our history, played a great part in forming our institutions, and it still remains to-day a respected and venerated institution, although there are many of its own followers who would prefer that it were separated from all state control. The Crown, on the other hand, is a remarkable feature of England's institutions. It

is reverenced and respected, not for its hereditary character,—for the lineal descendant of a German branch of collateral cousins can hardly be called the direct off-shoot of the ancient Plantagenets,—but rather because it represents to the English people the outward and manifest sign of their laws and institutions. It takes the place in their minds of the elected president of a pure republic, a symbol of order and of law, which, in England, it has no part in the administration of. In the name of the Crown,—an impalpable political entity,—the great work of the legislation of Parliament is carried on. The voice of the people is translated into the name of their sovereign, and the majesty which, poetically speaking, surrounds the throne is transmitted to its ordinances. The Cabinet, which is composed of those ministers whom the constituencies, in the full and free exercise of their political rights, have called to office, is the emanation of a committee of the king's Privy Council—that council which, in other days, elaborated the committee of Star Chamber, of evil repute. The organism survives, though its function has changed. The decisions of the Cabinet are not more truly under the control of the constituencies than the acts of the State Governor are under the control of the people of New York State. The Cabinet advises the Queen—the Queen follows the advice of her Cabinet. Can a more republican form of government exist than this?

The fact is, that in England the supreme power which rules the country is public opinion,—the Prime Minister is its interpreter. So long as he is in office he is the most powerful man in England. If he can control his party, keep harmony in his Cabinet, and possesses a strong majority, he may remain in power seven years, when the law orders that a fresh appeal "must" be made to the constituencies. The last stand which was made by the Crown was to retain the power of selecting its own ministers. The Georges fought desperately to retain this power, but the country refused to submit.

Even in the present reign, and no later than the last general election, the Crown endeavored to stave off the advent of the present ministry. The Queen, however, was compelled to yield, and Mr. Gladstone, who had before been treated with anything but royal favor, was sent for, and became Prime Minister.

Yet the Crown has a certain moral control over the institutions of the country, and more especially its social ones. Its power of legislative veto exists, though it would hardly venture

to use it, except it were to resist its own extinction. The aristocracy and the classes of wealth and position in the Government look to the Crown for a social example and a support in many of the minor functions of existence.

Its patronage is powerful, even though its disapproval is not deadly. It takes the lead in charitable undertakings, and unfortunately only feebly supports educational movements. It is cramped in its action in this respect by an established church, which alone it can recognize, and thus all purely secular education is beyond its sphere of operation. The Crown is the established head of so-called Society—that indeterminate quantity—and its favor is still courted with assiduity by many. The advantage which the Crown represents in this respect is, that the social conditions of existence can be completely dislocated from the political ones; and the strain which is placed on social relationships in a purely democratic country, with an elected president, dependent on popular support, fails to manifest itself in a country where the head of the state is rather a general philanthropist than a politician. Such, then, are the conditions under which England accepts her hereditary president. We will now turn to the study of her aristocratic classes.

The aristocracy of England is of two orders, the hereditary peerage and the landed gentry. The class feelings which animate each section are the same, though their political functions are different. The interest which unites them is the land. In old days, before the great reform bill of '32, these two great branches of the English aristocracy represented in themselves the entire administrative power of the state. They had usurped the former position of the Crown, and between them they ruled England through the management of their forces in the two chambers of legislature—the Lords and the Commons. The great allies of the landed aristocracy were the farmers, though for what intelligent reason it is difficult to perceive; probably because the liberal element of those times was principally composed of the middle classes and shop-keepers of the towns. These last were the great supporters of the Whig party. The great unenfranchised lower classes of workmen and artisans had no voice whatever in the elections, though indirectly they made themselves felt, especially on economic matters; questions, though, of peace or war, or control of the public purse, were completely beyond their elective control. The upper classes in England devised and

carried out the foreign policy of the country, and regulated the taxation or increased the public debt, completely at their own discretion, except so far as public opinion among the middle classes was able to control their action. The farmers, however, liked high prices for their wheat, and the mercers and shop-keepers rejoiced in flourishing trade; it was, therefore, not difficult one way or the other to gratify each party in turn. A war was to the advantage of the farmer, and peace and the rapid development of manufacturing industries were the *beau ideal* of the shop-keeper. The spirit of those times has even survived to the present day in English party government. England's prestige abroad is the party cry of the Tories, in the same way as peace and retrenchment is that of the Liberals. Between these two parties, however, England has oscillated for many a long generation. The Tories, whenever they came to power, added largely to the national debt, and the Whigs, who succeeded them, found it to their advantage never too openly to expose their predecessors. An unwritten compact bound together the two great leading factions in English politics, which made it to the interest of each to settle their family differences decorously before the nation. Party feeling never ran to a real height in England till the great reform bill, and from that period the whole aspect of party politics has largely changed. As we have said, the British Constitution is an unwritten document. The charter of the people's liberties exists in the spirit of our legislation, of which Parliament is the living interpreter. The acts of Parliament, which, taken together, constitute the law of the realm, have nothing absolute about them, and the legislature might change any one of them to-morrow. This Constitution, such as it exists to-day, is a compromise which has taken centuries to elaborate. Like the English statute book, it would be almost impossible to codify it. The contending factions who assisted in its elaboration were, first of all, the Crown, as opposed to the popular voice in Parliament, speaking through the landed gentry and a large section of the nobility; next the *dramatis personæ* change, and we find the aristocracy itself ruling England, and divided into two great political camps of Whigs and Tories, with the Crown factiously throwing its weight first into one scale and then into the other.

Lastly, we have the Crown completely put out of the running, so to speak, and the aristocracy carrying on the game of politics

themselves, leavened this time, however, with an infusion of conservative manufacturers and millionaires on the one hand, and the liberal representatives of the working classes on the other. The House of Commons at the beginning of this century was almost exclusively territorial, except for the few representatives of the large towns. The same House to-day contains only a minority of individuals whose names will be found figuring as large proprietors, or sons of large proprietors, in the new Doomsday-book. The lawyer, the manufacturer, the man of letters, has found his way into its precincts, sometimes on the one side of politics, sometimes on the other. The real democratic party has few representatives, —not more than forty members, all told, could be counted as ultra radicals, sitting for English or Scotch constituencies. The Irish members are a feature by themselves, which we have not at present got to deal with. A great change will come over the constitution of Parliament when the franchise in the counties is reduced to a simply rate-paying qualification, similar to what exists in boroughs since the electoral reform bill of 1867. Measures also will sooner or later be passed to deal with the question of the laws of entail and testamentary provisions, which will gradually tend to decentralize the influence of large land-owners. The active political power which once pertained to land is, no doubt, gone, but a considerable indirect influence still remains, and so long as this influence is kept within the limits of moderation it is a legitimate and a useful one. The county members have, as a rule, so far been hardly the most intelligent nominees which the great land-owners could have selected, but they have any way been eminently respectable, a quality which, in England, is often more valued than genius, especially among our upper class.

The House of Peers is probably the most purely classical body in the English hierarchy. They have, as an institution, remained completely unchanged from the earliest times. Their office being purely hereditary, they have not shown any vivid desire to reform their own chamber. The bishops, who still in their robes and lawn sleeves sit in their appointed places, are a visible monument to the anomaly of the constitution of that assembly. The purely hereditary character of the Lords is not more characteristic of their political functions than their landed influence is an adjunct of their social position; and the very idea of an hereditary upper chamber unconnected with local and landed associations would seem an impossible anom-

aly to an Englishman. We are not prepared to discuss the present constitution of the House of Lords. In all probability it will be profoundly modified as time goes on, and as the exigencies of political life determine. There is little fear of a solution not being found for bringing this upper chamber more into harmony with modern requirement. A second chamber, not as an obstructive body, but as a court of appeal, even though it may depend in some way or another on popular suffrage, is a necessary integer in the state. A second chamber rediscusses matters of political moment in a fuller and fresher tone than they could be treated a second time by a purely popular assembly—the gradation in time which the action of an upper house interposes between the vote of the representative assembly and the giving effect to its decision promotes a healthy breathing time for the national mind to form a definite judgment, and the necessary individuality which must pertain to the separate constitution of a second legislative chamber, however fully it may be under the control of popular elections, is a species of guarantee against the predominance of party prejudice. The House of Lords, as it exists in England, is an institution which is too largely in abeyance, owing to its antiquated character, but a new life will be infused into its deliberations when a gentle yet reforming hand shall have dealt with its present constitution. It would be impossible in an aristocratic country, however popular its institutions might be, to make the upper chamber as purely elective as it can be in America: the upper chamber must cease to be an aristocratic assembly before this change could take place. What we have wished to show is that England, although a republic in all but the name, so far as concerns its legislative functions, is essentially aristocratic in its administrative detail.

The House of Commons, although paramount in its power to deal with the Constitution, and although no longer the same close body of representatives drawn wholly from a privileged class, still displays no wish to depart from the unwritten code of the Constitution. As regards the Crown, so with regard to the peers and their hereditary functions. The country is content, so long as the legislative initiative is clearly in its own hands, to permit and even welcome a very large participation on the part of its hereditary aristocracy in the administrative labors of the government. It may be suggested that the power of initia-

tive once removed from the hands of an upper class, the administrative function must vanish also. This certainly would be the case if the nobility and upper class in England fail to fulfill their public duties. Their history, however, as a body has not led us to fear this contingency, and it can only be hoped that for their own sakes they will never give the country to think otherwise. It would be impossible, in a country like America, to establish this species of compromise between social classes—first of all, because these social distinctions never existed in that country, political and social equality having been the very earliest condition of its people. We in England, however, have had different antecedents, and the country would have to choose between the evil of a sudden revolution and the breaking down of every landmark in our past history, or else consent to progress slowly and by degrees toward the unknowable goal of all government.

There exists in the present day in Europe, and to a certain extent in England, a class of individuals whose minds are eminently of the destructive order; they have, or profess to have, by them a theoretical code of government, which, if brought into living existence, would make the world far happier than it is. Unfortunately, in order to test the truth of their contention we should have to destroy everything which exists, and we could never be certain that their programme would be as successful as they anticipate; on the contrary, from whatever experience the world has yet had of these so-called socialistic theories, we have every reason to dread that their mode of operation would be worse than the most grinding despotism. The men who profess these doctrines in England are, as we have said, not politically important, though circumstances might arise which would give them a greater power; the great safeguard to offer against such a danger is the extension of general education on the widest and broadest basis; thus shall we best prepare ourselves for the great struggle between labor and capital in Europe, if it ever comes upon us. This danger does not exist in America in the same way. A democratic country has a simple and ready way of dealing with political malcontents which monarchical institutions are less capable of putting into execution. In the one country the malcontents are manifestly the enemies of society, in the other they fight ostensibly against a system. America has educated her people, also, in a way we

have not yet found means to do in England. Everything is there reduced in its ultimate political analysis to the test of the popular vote. There is no greater security to be devised than this against the growth of fallacious teaching. The people become educated by degrees to understand the merits of social controversies, when they feel that in their hands is left the power and responsibility of deciding on these merits.

England, however, has not before her the future of America; she has not the same inexhaustible field of labor to develop, both in men and material; her source of political energy, like that of Rome, has helped her to people the world, and hand over to her children a theory of government of the people by themselves. Each nation must work out the problem for itself. England will be happier by adhering to the continuity of her own form of government. Rather must she be content to live again like a parent in the lives of her offspring. Her colonies, as they one by one break off from the parent stalk, and establish themselves as the future nations of the world, will bear her testimony—they will be able to elaborate and work out to their logical conclusions many problems which the smallness of the parent country, the hampering influence of its early history, precluded it from ever being able to solve completely.

The life of Nature is as that of individuals; nothing is eternal; the very planet on which we exist is gradually slowing down in its orbit of revolution around the great center of the system. Ages may yet elapse before English history will have been concluded; yet before this, England, as a great European power, may have ceased to exist; the country which by a fortuitous concourse of races produced that remarkable human stock which we call *Anglo Saxon*, may have, before many hundred years have gone by, exhausted its stores of solar energy—its coal; its manufacturing power may have gone; competition may have driven it out of the markets of the world by cheaper production. It may sink back to the position of another Norway or Sweden; it may again become purely agricultural. Like the ancient cradle of the Aryan race, that great central Asian plateau which once was the seat of a vast empire, it may fall back into its natural savageness, save for where the shepherd feeds his flocks, or the husbandman cultivates his corn. The clang of noisy machinery, the lurid glare of the smelting furnace, the whir of the cage as it descends into the coal-pit, and the sound of many looms, may be forgotten.

The busy throng of men who for so many centuries have paced the thoroughfares of its giant metropolis may have crumbled together with their buildings into dust, yet their descendants will live in another land—America, Canada, Australia, New Zealand. These are the names of England's daughters. The first was the eldest, and, like all eldest children, was subjected to the excessive zeal of parental discipline, until it attained its independence and set up in life for itself. Potentially, then, anything may exist in the future, yet all things are not equally probable. There is no absolute standard of knowledge given to the human race by which they shall infallibly judge the merits of their own institutions. The system of compromise, which in England has elaborated one form of government, might in another have produced other conditions; the only point we have wished to notice is that of all the aristocratic forms of government which have existed in Europe from the times of the early Roman patricians down to the present day, the only one which has survived the efflux of time and the wearing energy of that everlasting wave of human change is the English form of "a hereditary republic."

BLANDFORD.

THE APPOINTING POWER.

Of all the questions which have arisen under the Constitution of the United States, except those which relate to the division of powers between the general Government and the States, the most interesting are those which bear upon the power to appoint and remove executive officers. The Constitution declares that the "executive power shall be vested in a President"; that "he shall take care that the laws be faithfully executed"; and that, "before entering upon the execution of his office, he shall take an oath, or affirmation, to preserve, protect, and defend the Constitution of the United States."

The President performs few executive duties except through subordinate officers. So far as the control of his subordinates is transferred from him, so far the executive power, and the power to see that the laws are faithfully executed, and the power to defend and protect the Constitution, are removed from him. So far as they are taken from the President to be given to the Senate, they are taken from an officer individually responsible and impeachable, and transferred to a numerous assembly acting on such questions in secret without individual responsibility; taken from an officer who in practice is elected by and represents the whole people, and transferred to a body elected by State legislatures, representing States, in which Delaware and New York have an equal vote; taken from an officer whose term is but four years and transferred to a body which is perpetual, though composed of members whose tenure is for six years.

If Congress may rightfully establish a tenure of executive office, beyond the control of the President's power of removal, it may pass a law just before the incoming of a new President which shall keep in office every subordinate in the country. If the legislature may ordain that no executive officer shall be

removed without the consent of the legislature or one branch of it, then the political character of the executive cannot be changed without changing the political character of the legislature, or of the branch of it whose consent to such removal is made necessary. In this way the executive powers conferred by the Constitution, if not destroyed altogether, may be completely subjected to another branch of the Government.

In the great debate of 1789, which Mr. Evarts declares "decidedly the most important and best considered debate in the history of Congress," those who claimed that the power of removal vested absolutely in the President under the Constitution prevailed in the House of Representatives, under the lead of Madison, by a majority of twelve, and by the casting vote of John Adams in the Senate. Mr. Madison said:

> "The decision that is at this time made will become the permanent exposition of the Constitution; and on a permanent exposition of the Constitution will depend the genius and character of the whole government."

Mr. Webster, in 1835, earnestly dissenting from the original decision, still admitted that he considered it "a settled point; settled by construction, settled by precedent, settled by the practice of the Government, and settled by statute." It remained so settled, until, in the strife which followed the rebellion, a two-thirds majority in Congress was induced by apprehension of a grave public danger to attempt to wrest this portion of the executive power from the hands of Andrew Johnson. The statute of March 2, 1867, as construed by nearly two-thirds of the Senate, enacted that officers appointed by the predecessor of President Johnson, who, by the law in force when they were appointed, and by the express terms of their commission, were removable at the pleasure of the President, should remain in office until the Senate should consent to the appointment of their successors, or approve the reasons for their removal.

This statute partially served its purpose during the last two years of Johnson's administration. Five days after Grant's inauguration, the House of Representatives, by a vote of 138 to 16, passed a bill totally repealing it. The Senate was unwilling to let go the hold which it had acquired on the executive power, but proposed to suspend the law for one year, so that there might be no obstacle in the path of General Grant to the removal of the obnoxious officials who had adhered

to Andrew Johnson. The present law was agreed on as a compromise. It permits the President to suspend officers during the vacation of the Senate, but restores officers so suspended at the close of the next session, unless, in the meantime, the advice and consent of the Senate has been obtained to a removal or the appointment of a successor.

President Grant, in his message of December, 1869, urged the repeal of this modified act on the ground that —

> "It could not have been the intention of the framers of the Constitution that the Senate should have the power to retain in office persons placed there by Federal appointment, against the will of the President. The law is inconsistent with a faithful and efficient administration of the Government. What faith can an executive put in officials forced on him, and those, too, whom he has suspended for reason? How will such officials be likely to serve an administration which they know does not trust them?"

The House acted on this recommendation, and passed a bill for the repeal of the statutes of 1867 and 1869 by a vote of 159 to 25. For this bill the whole Massachusetts delegation, including both her present Senators, voted. It was never acted on by the Senate. In 1872 a similar bill passed the House without a division.

The Democratic party has invariably supported the position of Madison and Jackson, that the power of removal is vested by the Constitution in the President, and cannot be controlled by legislation.

I have not, in this brief recital, undertaken to state fully the argument against the claim that the Senate has, under the Constitution, any share in the power to remove executive officers, or against the claim that such share may be conferred upon it by law. Nor have I referred to the great authorities on either side. One of the best statements of the views of those who claim that the power of removal cannot be exercised without the consent of the Senate is Mr. Edmunds's opinion in the case of the impeachment of President Johnson. Perhaps the ablest statement of the other side is a pamphlet, published anonymously in 1835, entitled "An Appeal from the New to the Old Whigs," now known to be by Mr. Charles Francis Adams. Mr. Adams will confer a benefit on the public by causing the pamphlet to be republished, or, better still, by restating the constitutional argument as it may now appear to him.

If we would cure the existing evils in the civil service, we must seek some other method than that of establishing by legislation a tenure of office independent of the Executive, or placing the executive power of removal under the guardianship of the Senate. If that be attempted, the reformer will furnish the spoilsman with a formidable, if not impregnable, constitutional defense. The evil of a system which treats public offices as patronage, whether to be used for the service of party or of individual ambitions, will not be cured, and, experience warrants us in saying, will not be diminished, by transferring the power of appointment and removal from Executive to Senate, or from Senate to Executive, or from either to the House of Representatives, or to political committees.

The complaints of the leaders of the opposition about the abuse of executive power under Jackson and his successors were quite as emphatic as any we have lately heard. Patronage, however agreeable to patron or to dependent, will always be odious to those who do not share its benefits.

It is the fashion to say that the evil came in with Andrew Jackson, and it is commonly supposed that the blunt and coarse speech of Marcy—"to the victors belong the spoils"—is the first open avowal of the doctrine. It will not be extirpated unless original appointments are made without regard to party, for it cannot be expected that if the President hold none but members of his own party eligible to public office, his successor of the other party will fail to avail himself of his power of removal.

It is said that Mr. Jefferson made but thirty-nine removals from office during his term. He undoubtedly exercised a moderation in that particular of which we can hardly expect human nature to be often capable. When he was inaugurated, he found himself, according to Mr. Benton, almost the only man of his party in office in the country. Benton says: "I heard an officer of the army say there was but one field officer in the service favorable to him. This was the type of the civil service." Jefferson himself says that "Republicans had been systematically excluded from the service of the country"; . . . "they have been excluded from all offices from the first origin of the division into Republican and Federalist." The principles on which he thinks appointments and removals should be made he states in letters to his confidential correspondents, especially to Mr. Lincoln: "No man should be removed for mere opinion's sake." But "election-

eering activity, or open and industrious opposition to the principles of the present Government, legislative and executive," is good cause for removal.

"Your present situation will enable you to judge of prominent offenders in your State in the case of the present election. I pray you to seek them, to mark them, to be quite sure of your ground, that we may commit no errors or wrongs; *and to leave the rest to me.*"

On the other hand, he writes in July, 1807:

"In appointments to public offices of mere profit, I have ever considered *faithful service in either our first or second revolution* as giving preference of claim, and that appointments on that principle would gratify the public and strengthen that confidence so necessary to enable the Executive to direct the whole public force to the best advantage of the nation."

He means by the second revolution the political revolution which put him in the place of John Adams. So that activity on one side is a cause of removal, and activity on the other a claim to appointment.

In stating that mere political opinions do not furnish ground for removal, Mr. Jefferson makes two pretty serious exceptions.

"Good men, to whom there is no objection but a difference of political principle, are not proper subjects of removal, *except in the case of attorneys and marshals.* The courts being so decidedly federal and irremovable, it is believed that Republican attorneys and marshals, being the doors of entrance into the courts, are indispensably necessary as a shield to the Republican part of our fellow citizens."

The other exception is that class of Federalists whom he called monarchists, among whom he classed both Adams and Hamilton, and all "the Essex men," and "the desperadoes of the quondam faction in and out of Congress." "These I consider incurables, on whom all attentions would be lost, and therefore will not be wasted." "A second class, at the head of whom is our quondam colleague [Hamilton], are ardent for introduction of monarchy, eager for armies, making much more noise for a great naval establishment than better patriots. This last class ought to be tolerated but not trusted." He asks Mr. Lincoln to furnish him with a list of "the Essex men now in office in yours and the neighboring States." "Of the monarchical Federalists I have no expectation. They are incurable, to be taken care of in a madhouse, if necessary." He says that "the late session of the

legislature in Connecticut has been more intolerant than all others. We must meet them with equal intolerance. When they will give a share in the State offices, they shall be replaced in a share of the general offices. Till then we must follow their example." He does not even propose to apply his famous test —"Is he honest? Is he capable? Is he faithful to the Constitution?" until he has corrected the errors of his predecessors. "That done, I shall return with joy to that state of things."

Mr. Jefferson hoped to attract to his support a large portion of the Federalists, whose division among themselves had made his election possible. He frequently avows this as a reason for a sparing use of his power of removal. He says, in his letter to Rush: "I know that, in stopping thus short in the career of removal, I shall give great offense to many of my friends. The torrent has been pressing me heavily, and will require all my force to bear up against."

The truth is, Mr. Jefferson found, or believed he found, that every man who agreed with him in political opinion had been systematically excluded from federal office ever since there had been avowed party divisions, and this in a government which had existed but twelve years. He meant to restore an equilibrium by appointing his own friends only. He meant to remove all marshals and district attorneys who were not of his way of thinking. He announced that active service in his support was a reason for appointment, and active service against him ground for removal. In confining himself within these limits, which he does in the hope of bringing to the support of his party large accessions from the other, he has to give great offense to many of his friends, and to resist a torrent which it required all his force to bear up against. The rules which he adopted and avowed for his government in appointments and removal were adopted with reference to their influence on the strength of his party. Jefferson's practice was better than his rules. Considering that he found that in the national service, both civil and military, his friends had been systematically excluded by his predecessor, and that a like policy had prevailed in some, if not all, of the federal States, he did as well as could be expected from political flesh and blood. But the evil seed had been sown and had sprouted, and the tree was rooted and well grown more than a quarter of a century before the accession of Andrew Jackson.

The evil, then, with which we are undertaking to deal came in with party government. Is it inseparable from party government? Many good men think it is. They say that the existence of political parties is necessary in a free country; that the men who are active, and efficient, and popular in the party which composes the majority of the American people are likely, as a rule, to possess the character and capacity required for executive office; that to permit the dominant party to fill the civil service from the men who are its trusted and active leaders in various localities, and to hold it responsible for their performance of duty, secures, in the main, energy, honesty, and responsibility; that such an arrangement also secures the constant and jealous watchfulness of the opposition upon the civil service in all its detail; that no other method of selection will secure integrity, tact, wisdom, or even good manners, in the subordinate, or a feeling of responsibility in the superior, for officers in choosing whom he has no voice; that until the service of the Republic ceases to be honorable, the ambition to serve her will be honorable, and that the hope of being rewarded by public office, in the proper exercise of executive discretion, for honest political effort, is as natural, reasonable, and needful a stimulant as the hope of promotion in army or navy.

These reasons are not without force, although most of them have been carefully considered and answered by those who would introduce other methods. If the only question were how to get a capable body of officers, I do not feel sure that the political method of getting them is not as good as any likely to be devised. But the complaint is not chiefly that the public is not fairly well served. It is that the appointment to and removal from office is a disturbing influence, and sometimes a corrupting influence, upon the elections and upon legislation. Armies are necessary. Standing armies are necessary. But in free States we hear little general discussion of methods of raising them, and disciplining them, and rendering them fit for military service, and a great deal of securities which shall prevent them from being used against the State which employs them. We take a hundred precautions that they may not become dangerous to ourselves, for one that they may be dangerous to our enemies.

The permanence of our institutions must depend upon the purity of our elections. Public opinion, so jealous of intrusting the Executive with military force, is comparatively indifferent to

the exercise of a power capable of tenfold the effect upon the freedom of elections which our present regular army could exert. The number of national office-holders is probably more than eighty thousand. But it is not merely the holders of office, but the aspirants for office, whose hopes and fears may be influenced by executive power.

It is remarkable that the recent demand for new securities against danger to the purity of election and administration from the existing methods of appointment to office should come from the dominant party quite as earnestly, to say the least, as from its antagonist. The Republicans of Massachusetts, in 1873, when they had been in power in their own State for twenty-six years, and their party had entered upon its fourth national administration, demanded that the offices "should thenceforth be used to serve the people and not to bribe them." It has reiterated the demand in some form in every State convention since. In its national platforms of 1876 and 1880 it put on record, when it invited the confidence of the people, pledges, the fulfillment of which it cannot longer postpone without dishonor. If there is any proposition concerning which the highest authorities in this country concur, it is that of the injurious nature of a partisan civil service. President Garfield, like his two immediate predecessors, emphatically expressed his disapprobation, and asked for the support of legislation and public sentiment in his efforts to make merit, and not opinion, the sole passport to office. The early Presidents are on record to the same effect. Mr. Madison declared that the removal of a competent officer on account of his opinion would be good ground for impeachment of the President. Jefferson, as we have seen, justified his removals by the desire to give his supporters a fair proportion of offices. Jackson was fully committed by public and private pledges to the rule from which he so conspicuously departed.

I stated, long ago, more than once, my own objections to the present system. The limits of this article do not permit me to repeat them here in detail. Chief among them is its tendency to influence and increase that party spirit against which Washington, in his farewell address, warns us as the one greatest danger to our country. Party, within proper limits, is useful and necessary. It is the association and organization of men who think alike concerning the Republic to carry opinion into practice. It is the only method by which "principles not

men" become the governing forces in the state. It is difficult to see how Washington himself could have remained ten years longer in public service without becoming a party leader. With this weapon liberty and humanity have achieved their greatest political victories. The men who affect to be wholly independent of party do not long retain their hold upon public confidence. The ferry-boat statesmen who perpetually ply from side to side do not make their voyage useful to mankind, and very seldom pick up a passenger. The man who tries to spend his life on the fence does no good labor in either field, and is quite apt to discover that his seat is of barbed wire. But there is no legitimate connection whatever between sound political principles and the transmission and distribution of mails, the survey of public lands, the collection of internal revenue or duties on imports, the service of federal process, civil or criminal, any more than between sound opinion and service in the army or navy. A partisan civil service, substituting personal for public ends in political activities, in the end degrades party.

But party spirit is an unmixed evil when it transfers to that association a love, allegiance, and obedience due only to the State itself. What must be the effect in inflaming that spirit, to have nearly one-half of the people continue for a generation to feel that they are excluded from all share in the government by reason of their opinion, even from those functions which their opinions do not affect? To them the government becomes only the representative of their antagonists. It is, to their minds, only organized party. Every act of its necessary authority is viewed as the act of an enemy. Its victories in war, its most successful and beneficent administration in peace, are regarded with jealousy and dislike, as tending to prolong the rule of foes, and perpetuate their own exclusion from power. If this country has not witnessed the extremities of the spirit of faction which has destroyed other republics, it has enough in its own experience to prove the wisdom of attempting to lessen the evil. It has seen the pitiable exhibition of some of the early Federal leaders, plotting to overthrow the administration of John Adams, voting for Aaron Burr, and worse than indifferent to their country's success in its naval strife with Great Britain. It has seen, in more recent times, many of the leaders of another great party in one part of the country rebelling, in another sympathizing with rebellion. In Maine, the State which for pure English

blood, for general popular intelligence, for education, stands at the head of all civilized communities, it has seen the attempt to commit larceny on a gigantic scale by purloining a whole State government at once, with the apparent sympathy of nearly one-half the people. Who can believe that if party strifes in this country involved only those few offices whose functions are affected by the political opinions of those who hold them, the bulk of any party could be so influenced by this spirit as to render such things possible?

It is a great delusion to assume that every system is administered at its worst and not at its best. I believe there are many States where the evil stops here, and where public sentiment and the men who hold office or possess influence with the appointing power would never seek to cause that power to be used except for the best end. But the tendency has been in many quarters to make of the public officers a compact and disciplined cohort for the service of the person to whose influence their appointment is due. Whether this person be President, or senator, or representative, or some political adventurer who has gained the ear of the President, the effect is wholly vicious. It is doubtless true that the existence of such a state of things generates a resisting power which sooner or later is sufficient for its overthrow. But the necessity for such resistance is itself an evil. A political contest on one side for the mere promotion, and on the other side for the mere defeat, of personal ambitions, tends to turn the attention of the people from the discussion of great principles. Even some of our best civil service reformers seem to have lost their sense of great public evils, and sometimes even their capacity for indignation at great public crimes, in their honest zeal for the promotion of this reform.

While party contests are largely struggles for the possession of office, it is inevitable that the demand should be made upon the holders of salaried office to contribute to political expenses. This demand cannot well be resisted, and salaries must sooner or later be fixed with reference to their liability to this tax. Thus the whole people are indirectly taxed to pay the expenses of the dominant party.

One of the most considerable evils attendant upon the existence of a political machine is its tendency to lead men to trust to its efficiency to secure political results, instead of relying on appeals to the understanding of the people and on voluntary and

disinterested labor. This is especially true in the lately reconstructed States. Converse with almost any Southern Republican leader as to the means of overthrowing the illegal and criminal rule of the dominant minority in his State, and his first condition of hopeful exertion will be that the President shall "recognize" this or the other class of politicians. I do not expect to see a political revolution in any Southern State accomplished by any set of men who do not trust to their own unaided strength and are not absolutely indifferent to the smiles or frowns of the Executive at Washington.

Another very serious evil in present methods is the sudden and often cruel removals to which faithful and worthy officials, especially women, are now exposed. I have known very numerous instances, even during the last administration, where, without the knowledge of the President or head of the department, soldiers and soldiers' widows have, without warning and without cause, been removed from employments on which they and their households were dependent for bread, where, if a private manufacturer had dealt with his laborers in the same way, he would have deserved and received the indignation and contempt of the entire community.

We have to deal with an evil which came in with party government, which has always attended it in this country, which is deeply intrenched in American habit and opinion, which, under our complex systems, must be cured in the States as well as in the nation, and in the perpetuation of which the interests and ambition of a very numerous, able, and influential body of men are concerned. To cure it demands the combined and sincere effort of both political parties, or at least of so many persons in each political party as to render an attempt to return to it after it is once abandoned certain defeat to the party which makes it.

The provisions of the Constitution upon the whole subject of appointments to office are very simple. The President may nominate, and, with the advice and consent of the Senate, may appoint. Congress may vest the appointment of inferior officers in the President alone, in the heads of departments, or in the courts. The individual senator has no constitutional relation to the President. His opinion, like the advice of any other citizen, depends for its weight with the Executive solely upon the President's sense of the wisdom, integrity, and means of information of the man who gives it. To make a compliance with his opinion a con-

dition of his support of the administration in other matters, or the obtaining such support by the Executive by the use of the appointing power, is to establish a corrupt relation between the two.

The constitutional responsibility for the whole matter is with the President. One of our brightest writers for the press was told that there was a rumor that he was to publish a treatise on parliamentary law. "If I do," he said, "I shall sum it all up in one sentence: 'Never have an ass in the chair!'" The remedy for the evil complained of in the matter of executive appointments and removals is to have a President who is in earnest. Legislation cannot remove the appointing power from the depository where the Constitution has placed it. It cannot prevent the President from seeking counsel where he chooses. The chief office of the civil service reformer must be to create a public sentiment which will support the President in the reform.

I do not understand that the advocates of the bill drawn by Mr. Dorman B. Eaton, chairman of General Grant's Civil Service Commission, which was introduced by Mr. Pendleton at his request, and reported to the Senate unanimously by the Committee on Reform in the Civil Service, think they have found a machine which is at once to mow down the whole growth of evils in our official system, so that they never shall spring up again. They propose only to supply to a willing President the necessary instrumentality for the better performance of his duty. The bill will doubtless require some amendments of detail. But its scheme, as I understand, is in substance this:

It recognizes the prior claim of soldiers and sailors to the preference to which they are now entitled.

Its rules are subject to the approval of the President.

It provides for open, competitive examination for testing the capacity of applicants for the public service, appointments to be made by selection from among those graded highest as the result of such examination.

The public service to be graded, and original entrance to be at the lowest grade.

There is to be a period of probation before absolute appointment.

Promotions are to be from the lower grades to the higher, on the basis of merit and competition.

This plan is not to be applied to workmen or laborers, and only to those offices or customs districts where the whole number of clerks or officers embraced in it is not less than fifty.

This plan is to be limited in its application, as above stated, until it has been fully tested. It has the recommendation of having broken up the corrupt system which so long prevailed in England. It is that which President Grant and President Hayes desired to put in force. It has worked well in several important public offices. Its adoption will be an emphatic expression, both by Congress and Executive, of a desire to coöperate in getting away from the evils of the existing system. It will be a setting out upon the right road. Whether it prove the best system or no, it will, at least, get us away from the present one. It is difficult to suggest any considerable harm that the experiment of appointing, after probation, persons who have succeeded in these competitions will do.

It is said that it will result in a body of public servants, taken only from the wealthier classes, who are likely to be the better educated, who will have an undisturbed tenure of office, in which they will be independent of public opinion, and will be haughty, insolent, and inefficient. If it should prove true, on experiment, that such is the character of the service, he little understands the temper of the American people who fears that its tenure will be a long one. Experience will doubtless disclose defects in the proposed bill, and will, it is to be hoped, disclose their cure. But it will enable the Executive to make an honest and earnest effort to take the civil service of the country out of politics, under circumstances which promise the coöperation of Congress and the support of public opinion.

GEORGE F. HOAR.

THE CHRISTIAN RELIGION.

PART II.

"APART from moral conduct, all that man thinks himself able to do, in order to become acceptable to God, is mere superstition and religious folly."
KANT.

SEVERAL months ago, THE NORTH AMERICAN REVIEW asked me to write an article, saying that it would be published if some one would furnish a reply. I wrote the article that appeared in the August number, and by me it was entitled "Is All of the Bible Inspired?" Not until the article was written did I know who was expected to answer. I make this explanation for the purpose of dissipating the impression that Mr. Black had been challenged by me. To have struck his shield with my lance might have given birth to the impression that I was somewhat doubtful as to the correctness of my position. I naturally expected an answer from some professional theologian, and was surprised to find that a reply had been written by a "policeman," who imagined that he had answered my arguments by simply telling me that my statements were false. It is somewhat unfortunate that in a discussion like this any one should resort to the slightest personal detraction. The theme is great enough to engage the highest faculties of the human mind, and in the investigation of such a subject vituperation is singularly and vulgarly out of place. Arguments cannot be answered with insults. It is unfortunate that the intellectual arena should be entered by a "policeman," who has more confidence in concussion than discussion. Kindness is strength. Good-nature is often mistaken for virtue, and good health sometimes passes for genius. Anger blows out the lamp of the mind. In the examination of a great and important question, every one should be serene, slow-pulsed, and calm. Intelligence is not the foundation of arrogance. Insolence is not logic. Epi-

thets are the arguments of malice. Candor is the courage of the soul. Leaving the objectionable portions of Mr. Black's reply, feeling that so grand a subject should not be blown and tainted with malicious words, I proceed to answer as best I may the arguments he has urged.

I am made to say that "the universe is natural"; that "it came into being of its own accord"; that "it made its own laws at the start, and afterward improved itself considerably by spontaneous evolution."

I did say that "the universe is natural," but I did not say that "it came into being of its own accord"; neither did I say that "it made its own laws and afterward improved itself." The universe, according to my idea, is, always was, and forever will be. It did not "come into being," it is the one eternal being,—the only thing that ever did, does, or can exist. It did not "make its own laws." We know nothing of what we call the laws of nature except as we gather the idea of law from the uniformity of phenomena springing from like conditions. To make myself clear: Water always runs down-hill. The theist says that this happens because there is behind the phenomenon an active law. As a matter of fact, law is this side of the phenomenon. Law does not cause the phenomenon, but the phenomenon causes the idea of law in our minds; and this idea is produced from the fact that under like circumstances the same phenomenon always happens. Mr. Black probably thinks that the difference in the weight of rocks and clouds was created by law; that parallel lines fail to unite only because it is illegal; that diameter and circumference could have been so made that it would be a greater distance across than around a circle; that a straight line could inclose a triangle if not prevented by law, and that a little legislation could make it possible for two bodies to occupy the same space at the same time. It seems to me that law cannot be the cause of phenomena, but is an effect produced in our minds by their succession and resemblance. To put a God back of the universe, compels us to admit that there was a time when nothing existed except this God; that this God had lived from eternity in an infinite vacuum, and in absolute idleness. The mind of every thoughtful man is forced to one of these two conclusions: either that the universe is self-existent, or that it was created by a self-existent being. To my mind, there are far more difficulties in the second hypothesis than in the first.

Of course, upon a question like this, nothing can be absolutely known. We live on an atom called Earth, and what we know of the infinite is almost infinitely limited; but, little as we know, all have an equal right to give their honest thought. Life is a shadowy, strange, and winding road on which we travel for a little way—a few short steps—just from the cradle, with its lullaby of love, to the low and quiet way-side inn, where all at last must sleep, and where the only salutation is—Good-night.

I know as little as any one else about the "plan" of the universe; and as to the "design," I know just as little. It will not do to say that the universe was designed, and therefore there must be a designer. There must first be proof that it was "designed." It will not do to say that the universe has a "plan," and then assert that there must have been an infinite maker. The idea that a design must have a beginning and that a designer need not, is a simple expression of human ignorance. We find a watch, and we say: "So curious and wonderful a thing must have had a maker." We find the watch-maker, and we say: "So curious and wonderful a thing as man must have had a maker." We find God, and we then say: "He is so wonderful that he must *not* have had a maker." In other words, all things a little wonderful must have been created, but it is possible for a something to be so wonderful that it always existed. One would suppose that just as the wonder increased the necessity for a creator increased, because it is the wonder of the thing that suggests the idea of creation. Is it possible that a designer exists from all eternity without design? Was there no design in having an infinite designer? For me, it is hard to see the plan or design in earthquakes and pestilences. It is somewhat difficult to discern the design or the benevolence in so making the world that billions of animals live only on the agonies of others. The justice of God is not visible to me in the history of this world. When I think of the suffering and death, of the poverty and crime, of the cruelty and malice, of the heartlessness of this "design" and "plan," where beak and claw and tooth tear and rend the quivering flesh of weakness and despair, I cannot convince myself that it is the result of infinite wisdom, benevolence, and justice.

Most Christians have seen and recognized this difficulty, and have endeavored to avoid it by giving God an opportunity in another world to rectify the seeming mistakes of this. Mr.

Black, however, avoids the entire question by saying: "We have neither jurisdiction nor capacity to rejudge the justice of God." In other words, we have no right to think upon this subject, no right to examine the questions most vitally affecting human kind. We are simply to accept the ignorant statements of barbarian dead. This question cannot be settled by saying that "it would be a mere waste of time and space to enumerate the proofs which show that the Universe was created by a preëxistent and self-conscious Being." The time and space should have been "wasted," and the proofs should have been enumerated. These "proofs" are what the wisest and greatest are trying to find. Logic is not satisfied with assertion. It cares nothing for the opinions of the "great,"—nothing for the prejudices of the many, and least of all for the superstitions of the dead. In the world of Science, a fact is a legal tender. Assertions and miracles are base and spurious coins. We have the right to rejudge the justice even of a god. No one should throw away his reason —the fruit of all experience. It is the intellectual capital of the soul, the only light, the only guide, and without it the brain becomes the palace of an idiot king, attended by a retinue of thieves and hypocrites.

Of course it is admitted that most of the Ten Commandments are wise and just. In passing, it may be well enough to say, that the commandment, "Thou shalt not make unto thee any graven image, or any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth," was the absolute death of Art, and that not until after the destruction of Jerusalem was there a Hebrew painter or sculptor. Surely a commandment is not inspired that drives from earth the living canvas and the breathing stone—leaves all walls bare and all the niches desolate. In the Tenth Commandment we find woman placed on an exact equality with other property, which, to say the least of it, has never tended to the amelioration of her condition.

A very curious thing about these Commandments is that their supposed author violated nearly every one. From Sinai, according to the account, he said: "Thou shalt not kill," and yet he ordered the murder of millions; "Thou shalt not commit adultery," and yet he gave captured maidens to gratify the lust of captors; "Thou shalt not steal," and yet he gave to Jewish marauders the flocks and herds of others; "Thou shalt not covet

thy neighbor's house, nor his wife," and yet he allowed his chosen people to destroy the homes of neighbors and to steal their wives; "Honor thy father and thy mother," and yet this same God had thousands of fathers butchered, and with the sword of war killed children yet unborn; "Thou shalt not bear false witness against thy neighbor," and yet he sent abroad "lying spirits" to deceive his own prophets, and in a hundred ways paid tribute to deceit. So far as we know, Jehovah kept only one of these Commandments—he worshiped no other god.

The religious intolerance of the Old Testament is justified upon the ground that "blasphemy was a breach of political allegiance," that "idolatry was an act of overt treason," and that "to worship the gods of the hostile heathen was deserting to the public enemy, and giving him aid and comfort." According to Mr. Black, we should all have liberty of conscience except when directly governed by God. In that country where God is king, liberty cannot exist. In this position, I admit that he is upheld and fortified by the "sacred" text. Within the Old Testament there is no such thing as religious toleration. Within that volume can be found no mercy for an unbeliever. For all who think for themselves, there are threatenings, curses, and anathemas. Think of an infinite being who is so cruel, so unjust, that he will not allow one of his own children the liberty of thought! Think of an infinite God acting as the direct governor of a people, and yet not able to command their love! Think of the author of all mercy imbruing his hands in the blood of helpless men, women, and children, simply because he did not furnish them with intelligence enough to understand his law! An earthly father who cannot govern by affection is not fit to be a father; what, then, shall we say of an infinite being who resorts to violence, to pestilence, to disease, and famine, in the vain effort to obtain even the respect of a savage? Read this passage, red from the heart of cruelty:

"If thy brother, the son of thy mother, or thy son, or thy daughter, or the wife of thy bosom, or thy friend, which is as thine own soul, entice thee secretly, saying, Let us go and serve other gods which thou hast not known, thou nor thy fathers, . . . thou shalt not consent unto him, nor hearken unto him, neither shalt thine eye pity him, neither shalt thou spare, neither shalt thou conceal him, but thou shalt surely kill him; thine hand shall be first upon him to put him to death, and afterwards the hand of all the people; and thou shalt stone him with stones, that he die." . . .

This is the religious liberty of the Bible. If you had lived in Palestine, and if the wife of your bosom, dearer to you than your own soul, had said: "I like the religion of India better than that of Palestine," it would have been your duty to kill her. "Your eye must not pity her, your hand must be first upon her, and afterwards the hand of all the people." If she had said: "Let us worship the sun—the sun that clothes the earth in garments of green—the sun, the great fireside of the world—the sun that covers the hills and valleys with flowers—that gave me your face, and made it possible for me to look into the eyes of my babe—let us worship the sun," it was your duty to kill her. You must throw the first stone, and when against her bosom—a bosom filled with love for you—you had thrown the jagged and cruel rock, and had seen the red stream of her life oozing from the dumb lips of death, you could then look up and receive the congratulations of the God whose commandment you had obeyed. Is it possible that a being of infinite mercy ordered a husband to kill his wife for the crime of having expressed an opinion on the subject of religion? Has there been found upon the records of the savage world anything more perfectly fiendish than this commandment of Jehovah? This is justified on the ground that "blasphemy was a breach of political allegiance, and idolatry an act of overt treason." We can understand how a human king stands in need of the service of his people. We can understand how the desertion of any of his soldiers weakens his army; but were the king infinite in power, his strength would still remain the same, and under no conceivable circumstances could the enemy triumph.

I insist that, if there is an infinitely good and wise God, he beholds with pity the misfortunes of his children. I insist that such a God would know the mists, the clouds, the darkness enveloping the human mind. He would know how few stars are visible in the intellectual sky. His pity, not his wrath, would be excited by the efforts of his blind children, groping in the night to find the cause of things, and endeavoring, through their tears, to see some dawn of hope. Filled with awe by their surroundings, by fear of the unknown, he would know that when, kneeling, they poured out their gratitude to some unseen power, even to a visible idol, it was, in fact, intended for him. An infinitely good being, had he the power, would answer the reasonable prayer of an honest savage, even when addressed to wood and stone.

The atrocities of the Old Testament, the threatenings, maledictions, and curses of the "inspired book," are defended on the ground that the Jews had a right to treat their enemies as their enemies treated them; and in this connection is this remarkable statement: "In your treatment of hostile barbarians you not only may lawfully, you must necessarily, adopt their mode of warfare. If they come to conquer you, they may be conquered by you; if they give no quarter, they are entitled to none; if the death of your whole population be their purpose, you may defeat it by exterminating theirs."

For a man who is a "Christian policeman," and has taken upon himself to defend the Christian religion; for one who follows the Master who said that when smitten on one cheek you must turn the other, and who again and again enforced the idea that you must overcome evil with good, it is hardly consistent to declare that a civilized nation must of necessity adopt the warfare of savages. Is it possible that in fighting, for instance, the Indians of America, if they scalp our soldiers we should scalp theirs? If they ravish, murder, and mutilate our wives, must we treat theirs in the same manner? If they kill the babes in our cradles, must we brain theirs? If they take our captives, bind them to trees, and if their squaws fill their quivering flesh with sharpened fagots and set them on fire, that they may die clothed with flame, must our wives, our mothers, and our daughters follow the fiendish example? Is this the conclusion of the most enlightened Christianity? Will the pulpits of the United States adopt the arguments of this "policeman"? Is this the last and most beautiful blossom of the Sermon on the Mount? Is this the echo of "Father, forgive them; they know not what they do"?

Mr. Black justifies the wars of extermination and conquest because the American people fought for the integrity of their own country; fought to do away with the infamous institution of slavery; fought to preserve the jewels of liberty and justice for themselves and for their children. Is it possible that his mind is so clouded by political and religious prejudice, by the recollections of an unfortunate administration, that he sees no difference between a war of extermination and one of self-preservation? that he sees no choice between the murder of helpless age, of weeping women and of sleeping babes, and the defense of liberty and nationality?

The soldiers of the Republic did not wage a war of extermination. They did not seek to enslave their fellow-men. They did not murder trembling age. They did not sheathe their swords in women's breasts. They gave the old men bread, and let the mothers rock their babes in peace. They fought to save the world's great hope—to free a race and put the humblest hut beneath the canopy of liberty and law.

Claiming neither praise nor dispraise for the part taken by me in the civil war, for the purposes of this argument, it is sufficient to say that I am perfectly willing that my record, poor and barren as it is, should be compared with his.

Never for an instant did I suppose that any respectable American citizen could be found willing at this day to defend the institution of slavery; and never was I more astonished than when I found Mr. Black denying that civilized countries passionately assert that slavery is and always was a hideous crime. I was amazed when he declared that "the doctrine that slavery is a crime under all circumstances and at all times was first started by the adherents of a political faction in this country less than forty years ago." He tells us that "they denounced God and Christ for not agreeing with them," but that "they did not constitute the civilized world; nor were they, if the truth must be told, a very respectable portion of it. Politically they were successful; I need not say by what means, or with what effect upon the morals of the country."

Slavery held both branches of Congress, filled the chair of the Executive, sat upon the supreme bench, had in its hands all rewards, all offices; knelt in the pew, occupied the pulpit, stole human beings in the name of God, robbed the trundle-bed for love of Christ; incited mobs, led ignorance, ruled colleges, sat in the chairs of professors, dominated the public press, closed the lips of free speech, and polluted with its leprous hand every source and spring of power. The abolitionists attacked this monster. They were the bravest, grandest men of their country and their century. Denounced by thieves, hated by hypocrites, mobbed by cowards, slandered by priests, shunned by politicians, abhorred by the seekers of office,—these men "of whom the world was not worthy," in spite of all opposition, in spite of poverty and want, conquered innumerable obstacles, never faltering for one moment, never dismayed—accepting defeat with a smile born of infinite hope—knowing that they were right—

insisted and persisted until every chain was broken, until slave-pens became school-houses, and three millions of slaves became free men, women, and children. They did not measure with "the golden metewand of God," but with "the elastic cord of human feeling." They were men the latchets of whose shoes no believer in human slavery was ever worthy to unloose. And yet we are told by this modern defender of the slavery of Jehovah that they were not even respectable; and this slander is justified because the writer is assured "that the infallible God proceeded upon good grounds when he authorized slavery in Judea."

Not satisfied with having slavery in this world, Mr. Black assures us that it will last through all eternity, and that forever and forever inferiors must be subordinated to superiors. Who is the superior man? According to Mr. Black, he is superior who lives upon the unpaid labor of the inferior. With me, the superior man is the one who uses his superiority in bettering the condition of the inferior. The superior man is strength for the weak, eyes for the blind, brains for the simple; he is the one who helps carry the burden that nature has put upon the inferior. Any man who helps another to gain and retain his liberty is superior to any infallible God who authorized slavery in Judea. For my part, I would rather be the slave than the master. It is better to be robbed than to be a robber. I had rather be stolen from than to be a thief.

According to Mr. Black, there will be slavery in heaven, and fast by the throne of God will be the auction-block, and the streets of the New Jerusalem will be adorned with the whipping-post, while the music of the harp will be supplemented by the crack of the driver's whip. If some good Republican would catch Mr. Black, "incorporate him into his family, tame him, teach him to think, and give him a knowledge of the true principles of human liberty and government, he would confer upon him a most beneficent boon."

Slavery includes all other crimes. It is the joint product of the kidnapper, pirate, thief, murderer, and hypocrite. It degrades labor and corrupts leisure. To lacerate the naked back, to sell wives, to steal babes, to breed blood-hounds, to debauch your own soul—this is slavery. This is what Jehovah "authorized in Judea." This is what Mr. Black believes in still. He "measures with the golden metewand of God." I abhor slavery. With me,

liberty is not merely a means—it is an end. Without that word, all other words are empty sounds.

Mr. Black is too late with his protest against the freedom of his fellow-man. Liberty is making the tour of the world. Russia has emancipated her serfs; the slave trade is prosecuted only by thieves and pirates; Spain feels upon her cheek the burning blush of shame; Brazil with proud and happy eyes is looking for the dawn of freedom's day; the people of the South rejoice that slavery is no more, and every good and honest man (excepting Mr. Black), of every land and clime, hopes that the limbs of men will never feel again the weary weight of chains.

We are informed by Mr. Black that polygamy is neither commanded nor prohibited in the Old Testament—that it is only "discouraged." It seems to me that a little legislation on that subject might have tended to its "discouragement." But where is the legislation? In the moral code, which Mr. Black assures us "consists of certain immutable rules to govern the conduct of all men at all times and at all places in their private and personal relation with others," not one word is found on the subject of polygamy. There is nothing "discouraging" in the Ten Commandments, nor in the records of any conversation Jehovah is claimed to have had with Moses upon Sinai. The life of Abraham, the story of Jacob and Laban, the duty of a brother to be the husband of the widow of his deceased brother, the life of David, taken in connection with the practice of one who is claimed to have been the wisest of men—all these things are probably relied on to show that polygamy was at least "discouraged." Certainly, Jehovah had time to instruct Moses as to the infamy of polygamy. He could have spared a few moments from a description of the patterns of tongs and basins, for a subject so important as this. A few words in favor of the one wife and the one husband—in favor of the virtuous and loving home—might have taken the place of instructions as to cutting the garments of priests and fashioning candlesticks and ouches of gold. If he had left out simply the order that rams' skins should be dyed red, and in its place had said, "A man shall have but one wife, and the wife but one husband," how much better it would have been.

All the languages of the world are not sufficient to express the filth of polygamy. It makes man a beast, and woman a slave. It destroys the fireside and makes virtue an outcast. It takes us

back to the barbarism of animals, and leaves the heart a den in which crawl and hiss the slimy serpents of most loathsome lust. And yet Mr. Black insists that we owe to the Bible the present elevation of woman. Where will he find in the Old Testament the rights of wife, and mother, and daughter defined? Even in the New Testament she is told to "learn in silence with all subjection"; that she "is not suffered to teach, nor to usurp any authority over the man, but to be in silence." She is told that "the head of every man is Christ, and the head of the woman is man, and the head of Christ is God." In other words, there is the same difference between the wife and husband that there is between the husband and Christ.

The reasons given for this infamous doctrine are that "Adam was first formed, and then Eve"; that "Adam was not deceived," but that "the woman being deceived, was in the transgression." These childish reasons are the only ones given by the inspired writers. We are also told that "a man, indeed, ought to cover his head, forasmuch as he is the image and glory of God"; but that "the woman is the glory of the man," and this is justified from the fact, and the remarkable fact, set forth in the very next verse—that "the man is not of the woman, but the woman of the man." And the same gallant Apostle says: "Neither was the man created for the woman, but the woman for the man"; "Wives, submit yourselves unto your husbands, as unto the Lord; for the husband is the head of the wife, even as Christ is the head of the Church, and he is the saviour of the body. Therefore, as the Church is subject unto Christ, so let the wives be subject to their own husbands in everything." These are the passages that have liberated woman!

According to the Old Testament, woman had to ask pardon, and had to be purified, for the crime of having borne sons and daughters. If in this world there is a figure of perfect purity, it is a mother holding in her thrilled and happy arms her child. The doctrine that woman is the slave, or serf, of man—whether it comes from heaven or from hell, from God or a demon, from the golden streets of the New Jerusalem or from the very Sodom of perdition—is savagery, pure and simple.

In no country in the world had women less liberty than in the Holy Land, and no monarch held in less esteem the rights of wives and mothers than Jehovah of the Jews. The position of woman was far better in Egypt than in Palestine. Before the

pyramids were built, the sacred songs of Isis were sung by women, and women with pure hands had offered sacrifices to the gods. Before Moses was born, women had sat upon the Egyptian throne. Upon ancient tombs the husband and wife are represented as seated in the same chair. In Persia women were priests, and in some of the oldest civilizations "they were reverenced on earth, and worshiped afterward as goddesses in heaven." At the advent of Christianity, in all pagan countries women officiated at the sacred altars. They guarded the eternal fire. They kept the sacred books. From their lips came the oracles of fate. Under the domination of the Christian church, woman became the merest slave for at least a thousand years. It was claimed that through woman the race had fallen, and that her loving kiss had poisoned all the springs of life. Christian priests asserted that but for her crime the world would have been an Eden still. The ancient fathers exhausted their eloquence in the denunciation of woman, and repeated again and again the slander of St. Paul. The condition of woman has improved just in proportion that man has lost confidence in the inspiration of the Bible.

For the purpose of defending the character of his infallible God, Mr. Black is forced to defend religious intolerance, wars of extermination, human slavery, and *almost* polygamy. He admits that God established slavery; that he commanded his chosen people to buy the children of the heathen; that heathen fathers and mothers did right to sell their girls and boys; that God ordered the Jews to wage wars of extermination and conquest; that it was right to kill the old and young; that God forged manacles for the human brain; that he commanded husbands to murder their wives for suggesting the worship of the sun or moon; and that every cruel, savage passage in the Old Testament was inspired by him. Such is a "policeman's" view of God.

Will Mr. Black have the kindness to state a few of his objections to the devil?

Mr. Black should have answered my arguments, instead of calling me "blasphemous" and "scurrilous." In the discussion of these questions I have nothing to do with the reputation of my opponent. His character throws no light on the subject, and is to me a matter of perfect indifference. Neither will it do for one who enters the lists as the champion of revealed religion to

say that "we have no right to rejudge the justice of God." Such a statement is a white flag. The warrior eludes the combat when he cries out that it is a "metaphysical question." He deserts the field and throws down his arms when he admits that "no revelation has lifted the veil between time and eternity." Again I ask, why were the Jewish people as wicked, cruel, and ignorant with a revelation from God, as other nations were without? Why were the worshipers of false deities as brave, as kind, and generous as those who knew the only true and living God?

How do you explain the fact that while Jehovah was waging wars of extermination, establishing slavery, and persecuting for opinions' sake, heathen philosophers were teaching that all men are brothers, equally entitled to liberty and life? You insist that Jehovah believed in slavery and yet punished the Egyptians for enslaving the Jews. Was your God once an abolitionist? Did he at that time "denounce Christ for not agreeing with him"? If slavery was a crime in Egypt, was it a virtue in Palestine? Did God treat the Canaanites better than Pharaoh did the Jews? Was it right for Jehovah to kill the children of the people because of Pharaoh's sin? Should the peasant be punished for the king's crime? Do you not know that the worst thing that can be said of Nero, Caligula, and Commodus is that they resembled the Jehovah of the Jews? Will you tell me why God failed to give his Bible to the whole world? Why did he not give the Scriptures to the Hindu, the Greek, and Roman? Why did he fail to enlighten the worshipers of "Mammon" and Moloch, of Belial and Baal, of Bacchus and Venus? After all, was not Bacchus as good as Jehovah? Is it not better to drink wine than to shed blood? Was there anything in the worship of Venus worse than giving captured maidens to satisfy the victor's lust? Did "Mammon" or Moloch do anything more infamous than to establish slavery? Did they order their soldiers to kill men, women, and children, and to save alive nothing that had breath? Do not answer these questions by saying that "no veil has been lifted between time and eternity," and that "we have no right to rejudge the justice of God."

If Jehovah was in fact God, he knew the end from the beginning. He knew that his Bible would be a breastwork behind which tyranny and hypocrisy would crouch; that it would be quoted by tyrants; that it would be the defense of robbers called kings, and of hypocrites called priests. He knew that

he had taught the Jewish people but little of importance. He knew that he found them free and left them captives. He knew that he had never fulfilled the promises made to them. He knew that while other nations had advanced in art and science, his chosen people were savage still. He promised them the world, and gave them a desert. He promised them liberty, and he made them slaves. He promised them victory, and he gave them defeat. He said they should be kings, and he made them serfs. He promised them universal empire, and gave them exile. When one finishes the Old Testament, he is compelled to say: Nothing can add to the misery of a nation whose king is Jehovah!

And here I take occasion to thank Mr. Black for having admitted that Jehovah gave no commandment against the practice of polygamy, that he established slavery, waged wars of extermination, and persecuted for opinions' sake even unto death. Most theologians endeavor to putty, patch, and paint the wretched record of inspired crime, but Mr. Black has been bold enough and honest enough to admit the truth. In this age of fact and demonstration it is refreshing to find a man who believes so thoroughly in the monstrous and miraculous, the impossible and immoral—who still clings lovingly to the legends of the bib and rattle—who through the bitter experiences of a wicked world has kept the credulity of the cradle, and finds comfort and joy in thinking about the Garden of Eden, the subtil serpent, the flood, and Babel's tower, stopped by the jargon of a thousand tongues—who reads with happy eyes the story of the burning brimstone storm that fell upon the cities of the plain, and smilingly explains the transformation of the retrospective Mrs. Lot—who laughs at Egypt's plagues and Pharaoh's whelmed and drowning hosts—eats manna with the wandering Jews, warms himself at the burning bush, sees Korah's company by the hungry earth devoured, claps his wrinkled hands with glee above the heathens' butchered babes, and longingly looks back to the patriarchal days of concubines and slaves. How touching when the learned and wise crawl back in cribs and ask to hear the rhymes and fables once again! How charming in these hard and scientific times to see old age in Superstition's lap, with eager lips upon her withered breast!

Mr. Black comes to the conclusion that the Hebrew Bible is in exact harmony with the New Testament, and that the two are

"connected together"; and "that if one is true the other cannot be false."

If this is so, then he must admit that if one is false the other cannot be true; and it hardly seems possible to me that there is a right-minded, sane man, except Mr. Black, who now believes that a God of infinite kindness and justice ever commanded one nation to exterminate another; ever ordered his soldiers to destroy men, women, and babes; ever established the institution of human slavery; ever regarded the auction-block as an altar, or a blood-hound as an apostle.

Mr. Black contends (after having answered my indictment against the Old Testament by admitting the allegations to be true) that the rapidity with which Christianity spread "proves the supernatural origin of the Gospel, or that it was propagated by the direct aid of the Divine Being himself."

Let us see. In his efforts to show that the "infallible God established slavery in Judea," he takes occasion to say that "the doctrine that slavery is a crime under all circumstances was first started by the adherents of a political faction in this country less than forty years ago"; that "they denounced God and Christ for not agreeing with them"; but that "they did not constitute the civilized world; nor were they, if the truth must be told, a very respectable portion of it." Let it be remembered that this was only forty years ago; and yet, according to Mr. Black, a few disreputable men changed the ideas of nearly fifty millions of people, changed the Constitution of the United States, liberated a race from slavery, clothed three millions of people with political rights, took possession of the Government, managed its affairs for more than twenty years, and have compelled the admiration of the civilized world. Is it Mr. Black's idea that this happened by chance? If not, then, according to him, there are but two ways to account for it: either the rapidity with which Republicanism spread proves its supernatural origin, "or else its propagation was provided for and carried on by the direct aid of the Divine Being himself." Between these two, Mr. Black may make his choice. He will at once see that the rapid rise and spread of any doctrine does not even tend to show that it was divinely revealed.

This argument is applicable to all religions. Mohammedans can use it as well as Christians. Mohammed was a poor man, a driver of camels. He was without education, without influence, and without wealth, and yet in a few years he consoli-

dated thousands of tribes, and made millions of men confess that there is "one God, and Mohammed is his prophet." His success was a thousand times greater during his life than that of Christ. He was not crucified; he was a conqueror. "Of all men, he exercised the greatest influence upon the human race." Never in the world's history did a religion spread with the rapidity of his. It burst like a storm over the fairest portions of the globe. If Mr. Black is right in his position that rapidity is secured only by the direct aid of the Divine Being, then Mohammed was most certainly the prophet of God. As to wars of extermination and slavery, Mohammed agreed with Mr. Black, and upon polygamy, with Jehovah. As to religious toleration, he was great enough to say that "men holding to any form of faith might be saved, provided they were virtuous." In this, he was far in advance both of Jehovah and Mr. Black.

It will not do to take the ground that the rapid rise and spread of a religion demonstrates its divine character. Years before Guatama died, his religion was established, and his disciples were numbered by millions. His doctrines were not enforced by the sword, but by an appeal to the hopes, the fears, and the reason of mankind; and more than one-third of the human race are to-day the followers of Gautama. His religion has outlived all that existed in his time; and according to Dr. Draper, "there is no other country in the world except India that has the religion to-day it had at the birth of Jesus Christ." Gautama believed in the equality of all men; abhorred the spirit of caste, and proclaimed justice, mercy, and education for all.

Imagine a Mohammedan answering an infidel; would he not use the argument of Mr. Black, simply substituting Mohammed for Christ, just as effectually as it has been used against me? There was a time when India was the foremost nation of the world. Would not your argument, Mr. Black, have been just as good in the mouth of a Brahmin then, as it is in yours now? Egypt, the mysterious mother of mankind, with her pyramids built thirty-four hundred years before Christ, was once the first in all the earth, and gave to us our trinity, and our symbol of the cross. Could not a priest of Isis and Osiris have used your arguments to prove that his religion was divine, and could he not have closed by saying: "From the facts established by this evidence it follows irresistibly that our religion came to us from God"? Do you not see that your argument proves too much,

and that it is equally applicable to all the religions of the world?

Again, it is urged that "the acceptance of Christianity by a large portion of the generation contemporary with its founder and his apostles was, under the circumstances, an adjudication as solemn and authoritative as mortal intelligence could pronounce." If this is true, then "the acceptance of Buddhism by a large portion of the generation contemporary with its founder was an adjudication as solemn and authoritative as mortal intelligence could pronounce." The same could be said of Mohammedanism, and, in fact, of every religion that has ever benefited or cursed this world. This argument, when reduced to its simplest form, is this: All that succeeds is inspired.

The old argument that if Christianity is a human fabrication its authors must have been either good men or bad men, takes it for granted that there are but two classes of persons—the good and the bad. There is, at least, one other class—*the mistaken*, and both of the other classes may belong to this. Thousands of most excellent people have been deceived, and the history of the world is filled with instances where men have honestly supposed that they had received communications from angels and gods.

In thousands of instances these pretended communications contained the purest and highest thoughts, together with the most important truths; yet it will not do to say that these accounts are true; neither can they be proved by saying that the men who claimed to be inspired were good. What we must say is, that being good men, they were mistaken; and it is the charitable mantle of a mistake that I throw over Mr. Black, when I find him defending the institution of slavery. He seems to think it utterly incredible that any "combination of knaves, however base, would fraudulently concoct a religious system to denounce themselves, and to invoke the curse of God upon their own conduct." How did religions other than Christianity and Judaism arise? Were they all "concocted by a combination of knaves"? The religion of Gautama is filled with most beautiful and tender thoughts, with most excellent laws, and hundreds of sentences urging mankind to deeds of love and self-denial. Was Gautama inspired?

Does not Mr. Black know that thousands of people charged with witchcraft actually confessed in open court their guilt? Does he not know that they admitted that they had spoken face

to face with Satan, and had sold their souls for gold and power? Does he not know that these admissions were made in the presence and expectation of death? Does he not know that hundreds of judges, some of them as great as the late lamented Gibson, believed in the existence of an impossible crime?

We are told that "there is no good reason to doubt that the statements of the Evangelists, as we have them now, are genuine." The fact is, no one knows who made the "statements of the Evangelists."

There are three important manuscripts upon which the Christian world relies. "The first appeared in the catalogue of the Vatican, in 1475. This contains the Old Testament. Of the New, it contains the four gospels,—the Acts, the seven Catholic Epistles, nine of the Pauline Epistles, and the Epistle to the Hebrews, as far as the fourteenth verse of the ninth chapter,"—and nothing more. This is known as the Codex Vatican. "The second, the Alexandrine, was presented to King Charles the First, in 1628. It contains the Old and New Testaments, with some exceptions; passages are wanting in Matthew, in John, and in II. Corinthians. It also contains the Epistle of Clemens Romanus, a letter of Athanasius, and the treatise of Eusebius on the Psalms." The last is the Sinaitic Codex, discovered about 1850, at the Convent of St. Catherine's, on Mount Sinai. "It contains the Old and New Testaments, and in addition the entire Epistle of Barnabas, and a portion of the Shepherd of Hermas—two books which, up to the beginning of the fourth century, were looked upon by many as Scripture." In this manuscript, or codex, the gospel of St. Mark concludes with the eighth verse of the sixteenth chapter, leaving out the frightful passage: "Go ye into all the world, and preach the gospel to every creature. He that believeth and is baptized shall be saved; but he that believeth not shall be damned."

In matters of the utmost importance these manuscripts disagree, but even if they all agreed it would not furnish the slightest evidence of their truth. It will not do to call the statements made in the gospels "depositions," until it is absolutely established who made them, and the circumstances under which they were made. Neither can we say that "they were made in the immediate prospect of death," until we know who made them. It is absurd to say that "the witnesses could not have been mistaken, because the nature of the facts precluded the

possibility of any delusion about them." Can it be pretended that the witnesses could not have been mistaken about the relation the Holy Ghost is alleged to have sustained to Jesus Christ? Is there no possibility of delusion about a circumstance of that kind? Did the writers of the four gospels have "'the sensible and true avouch of their own eyes' and ears" in that behalf? How was it possible for any one of the four Evangelists to know that Christ was the Son of God, or that he was God? His mother wrote nothing on the subject. Matthew says that an angel of the Lord told Joseph in a dream, but Joseph never wrote an account of this wonderful vision. Luke tells us that the angel had a conversation with Mary, and that Mary told Elizabeth, but Elizabeth never wrote a word. There is no account of Mary, or Joseph, or Elizabeth, or the angel, having had any conversation with Matthew, Mark, Luke, or John, in which one word was said about the miraculous origin of Jesus Christ. The persons who knew did not write, so that the account is nothing but hearsay. Does Mr. Black pretend that such statements would be admitted as evidence in any court? But how do we know that the disciples of Christ wrote a word of the gospels? How did it happen that Christ wrote nothing? How do we know that the writers of the gospels "were men of unimpeachable character"?

All this is answered by saying "that nothing was said by the most virulent enemies against the personal honesty of the Evangelists." How is this known? If Christ performed the miracles recorded in the New Testament, why would the Jews put to death a man able to raise their dead? Why should they attempt to kill the Master of Death? How did it happen that a man who had done so many miracles was so obscure, so unknown, that one of his disciples had to be bribed to point him out? Is it not strange that the ones he had cured were not his disciples? Can we believe, upon the testimony of those about whose character we know nothing, that Lazarus was raised from the dead? What became of Lazarus? We never hear of him again. It seems to me that he would have been an object of great interest. People would have said: "He is the man who was once dead." Thousands would have inquired of him about the other world; would have asked him where he was when he received the information that he was wanted on the earth. His experience would have been vastly more interesting than everything else in the New Testament. A returned traveler from the shores of

Eternity—one who had walked twice through the valley of the shadow—would have been the most interesting of human beings. When he came to die again, people would have said: "He is not afraid; he has had experience; he knows what death is." But, strangely enough, this Lazarus fades into obscurity with "the wise men of the East," and with the dead who came out of their graves on the night of the crucifixion. How is it known that it was claimed, during the life of Christ, that he had wrought a miracle? And if the claim was made, how is it known that it was not denied? Did the Jews believe that Christ was clothed with miraculous power? Would they have dared to crucify a man who had the power to clothe the dead with life? Is it not wonderful that no one at the trial of Christ said one word about the miracles he had wrought? Nothing about the sick he had healed, nor the dead he had raised?

Is it not wonderful that Josephus, the best historian the Hebrews produced, says nothing about the life or death of Christ; nothing about the massacre of the infants by Herod; not one word about the wonderful star that visited the sky at the birth of Christ; nothing about the darkness that fell upon the world for several hours in the midst of day; and failed entirely to mention that hundreds of graves were opened, and that multitudes of Jews arose from the dead, and visited the Holy City? Is it not wonderful that no historian ever mentioned any of these prodigies? and is it not more amazing than all the rest, that Christ himself concealed from Matthew, Mark, and Luke the dogma of the atonement, the necessity of belief, and the mystery of the second birth?

Of course I know that two letters were said to have been written by Pilate to Tiberius, concerning the execution of Christ, but they have been shown to be forgeries. I also know that "various letters were circulated attributed to Jesus Christ," and that one letter is said to have been written by him to Abgarus, king of Edessa; but as there was no king of Edessa at that time, this letter is admitted to have been a forgery. I also admit that a correspondence between Seneca and St. Paul was forged.

Here in our own country, only a few years ago, men claimed to have found golden plates upon which was written a revelation from God. They founded a new religion, and, according to their statement, did many miracles. They were treated as outcasts, and their leader was murdered. These men made their "depo-

sitions" "in the immediate prospect of death." They were mobbed, persecuted, derided, and yet they insisted that their prophet had miraculous power, and that he, too, could swing back the hingeless door of death. The followers of these men have increased, in these few years, so that now the murdered prophet has at least two hundred thousand disciples. It will be hard to find a contradiction of these pretended miracles, although this is an age filled with papers, magazines, and books. As a matter of fact, the claims of Joseph Smith were so preposterous that sensible people did not take the pains to write and print denials. When we remember that eighteen hundred years ago there were but few people who could write, and that a manuscript did not become public in any modern sense, it was possible for the gospels to have been written with all the foolish claims in reference to miracles without exciting comment or denial. There is not, in all the contemporaneous literature of the world, a single word about Christ or his apostles. The paragraph in Josephus is admitted to be an interpolation, and the letters, the account of the trial, and several other documents forged by the zeal of the early fathers, are now admitted to be false.

Neither will it do to say that "the statements made by the evangelists are alike upon every important point." If there is anything of importance in the New Testament, from the theological stand-point, it is the ascension of Jesus Christ. If that happened, it was a miracle great enough to surfeit wonder. Are the statements of the inspired witnesses alike on this important point? Let us see.

Matthew says nothing upon the subject. Either Matthew was not there, had never heard of the ascension,—or, having heard of it, did not believe it, or, having seen it, thought it too unimportant to record. To this wonder of wonders Mark devotes one verse: "So then, after the Lord had spoken unto them, he was received up into heaven, and sat on the right-hand of God." Can we believe that this verse was written by one who witnessed the ascension of Jesus Christ; by one who watched his Master slowly rising through the air till distance reft him from his tearful sight? Luke, another of the witnesses, says: "And it came to pass, while he blessed them, he was parted from them, and carried up into heaven." John corroborates Matthew, by saying nothing on the subject. Now we find that the last chapter of

Mark, after the eighth verse, is an interpolation; so that Mark really says nothing about the occurrence. Either the ascension of Christ must be given up, or it must be admitted that the witnesses do not agree, and that three of them never heard of that most stupendous event.

Again, if anything could have left its "form and pressure" on the brain, it must have been the last words of Jesus Christ. The last words, according to Matthew, are: "Go ye, therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost; teaching them to observe all things whatsoever I have commanded you: and lo, I am with you alway, even unto the end of the world." The last words, according to the inspired witness known as Mark, are: "And these signs shall follow them that believe: in my name shall they cast out devils; they shall speak with new tongues; they shall take up serpents; and if they drink any deadly thing, it shall not hurt them; they shall lay hands on the sick, and they shall recover." Luke tells us that the last words uttered by Christ, with the exception of a blessing, were: "And behold, I send forth the promise of my Father upon you; but tarry ye in the city of Jerusalem, until ye be endued with power from on high." The last words, according to John, were: "Peter, seeing Him, saith to Jesus: Lord, and what shall this man do? Jesus saith unto him, If I will that he tarry till I come, what is that to thee? follow thou me."

An account of the ascension is also given in the Acts of the Apostles; and the last words of Christ, according to that inspired witness, are: "But ye shall receive power, after that the Holy Ghost is come upon you; and ye shall be witnesses unto me, both in Jerusalem and in all Judea, and in Samaria, and unto the uttermost part of the earth." In this account of the ascension we find that two men stood by the disciples in white apparel, and asked them: "Ye men of Galilee, why stand ye gazing up into heaven? This same Jesus, which is taken up from you into heaven, shall so come in like manner as ye have seen him go into heaven." Matthew says nothing of the two men. Mark never saw them. Luke may have forgotten them when writing his gospel, and John may have regarded them as optical illusions.

Luke testifies that Christ ascended on the very day of his resurrection. John deposes that eight days after the resurrection Christ appeared to the disciples and convinced Thomas. In the

Acts we are told that Christ remained on earth for forty days after his resurrection. These "depositions" do not agree. Neither do Matthew and Luke agree in their histories of the infancy of Christ. It is impossible for both to be true. One of these "witnesses" must have been mistaken.

The most wonderful miracle recorded in the New Testament, as having been wrought by Christ, is the resurrection of Lazarus. While all the writers of the gospels, in many instances, record the same wonders and the same conversations, is it not remarkable that the greatest miracle is mentioned alone by John?

Two of the witnesses, Matthew and Luke, give the genealogy of Christ. Matthew says that there were forty-two generations from Abraham to Christ. Luke insists that there were forty-two from Christ to David, while Matthew gives the number as twenty-eight. It may be said that this is an old objection. An objection remains young until it has been answered. Is it not wonderful that Luke and Matthew do not agree on a single name of Christ's ancestors for thirty-seven generations?

There is a difference of opinion among the "witnesses" as to what the gospel of Christ is. If we take the "depositions" of Matthew, Mark, and Luke, then the gospel of Christ amounts simply to this: That God will forgive the forgiving, and that he will be merciful to the merciful. According to three witnesses, Christ knew nothing of the doctrine of the atonement; never heard of the second birth; and did not base salvation, in whole nor in part, on belief. In the "deposition" of John, we find that we must be born again; that we must believe on the Lord Jesus Christ; and that an atonement was made for us. If Christ ever said these things to, or in the hearing of, Matthew, Mark, and Luke, they forgot to mention them.

To my mind, the failure of the evangelists to agree as to what is necessary for man to do in order to insure the salvation of his soul, is a demonstration that they were not inspired.

Neither do the witnesses agree as to the last words of Christ when he was crucified. Matthew says that he cried: "My God, my God, why hast thou forsaken me?" Mark agrees with Matthew. Luke testifies that his last words were: "Father, into thy hands I commend my spirit." John states that he cried: "It is finished."

Luke says that Christ said of his murderers: "Father, forgive them; for they know not what they do." Matthew, Mark, and John do not record these touching words. John says that Christ,

on the day of his resurrection, said to his disciples: "Whosesoever sins ye remit, they are remitted unto them; and whosesoever sins ye retain, they are retained."

The other disciples do not record this monstrous passage. They did not hear the abdication of God. They were not present when Christ placed in their hands the keys of heaven and hell, and put a world beneath the feet of priests.

It is easy to account for the differences and contradictions in these "depositions" (and there are hundreds of them) by saying that each one told the story as he remembered it, or as he had heard it, or that the accounts have been changed, but it will not do to say that the witnesses were inspired of God. We can account for these contradictions by the infirmities of human nature; but, as I said before, the infirmities of human nature cannot be predicated of a divine being.

Again, I ask, why should there be more than one inspired gospel? Of what use were the other three? There can be only one true account of anything. All other true accounts must simply be copies of that. And I ask again, why should there have been more than one inspired gospel? That which is the test of truth as to ordinary witnesses is a demonstration against their inspiration. It will not do at this late day to say that the miracles worked by Christ demonstrated his divine origin or mission. The wonderful works he did, did not convince the people with whom he lived. In spite of the miracles, he was crucified. He was charged with blasphemy. "Policemen" denounced the "scurrility" of his words, and the absurdity of his doctrines. He was no doubt told that it was "almost a crime to utter blasphemy in the presence of a Jewish woman"; and it may be that he was taunted for throwing away "the golden metewand" of the "infallible God who authorized slavery in Judea," and taking the "elastic cord of human feeling."

Christians tell us that the citizens of Mecca refused to believe on Mohammed because he was an impostor, and that the citizens of Jerusalem refused to believe on Jesus Christ because he was *not* an impostor.

If Christ had wrought the miracles attributed to him—if he had cured the maimed, the leprous, and the halt—if he had changed the night of blindness into blessed day—if he had wrested from the fleshless hand of avaricious death the stolen jewel of a life, and clothed again with throbbing flesh the pulse-

less dust of death, he would have won the love and adoration of mankind. If ever there shall stand upon this earth the king of death, all human knees will touch the ground.

We are further informed that "what we call the fundamental truths of Christianity consist of great public events which are sufficiently established by history without special proof."

Of course, we admit that the Roman Empire existed; that Julius Cæsar was assassinated; and we may admit that Rome was founded by Romulus and Remus; but will some one be kind enough to tell us how the assassination of Cæsar even tends to prove that Romulus and Remus were suckled by a wolf? We will all admit that, in the sixth century after Christ, Mohammed was born at Mecca; that his victorious hosts vanquished half the Christian world; that the crescent triumphed over the cross upon a thousand fields; that all the Christians of the earth were not able to rescue from the hands of an impostor the empty grave of Christ. We will all admit that the Mohammedans cultivated the arts and sciences; that they gave us our numerals; taught us the higher mathematics; gave us our first ideas of astronomy, and that "science was thrust into the brain of Europe on the point of a Moorish lance"; and yet we will not admit that Mohammed was divinely inspired, nor that he had frequent conversations with the angel Gabriel, nor that after his death his coffin was suspended in mid-air.

A little while ago, in the city of Chicago, a gentleman addressed a number of Sunday-school children. In his address, he stated that some people were wicked enough to deny the story of the deluge; that he was a traveler; that he had been to the top of Mount Ararat, and had brought with him a stone from that sacred locality. The children were then invited to form in procession and walk by the pulpit, for the purpose of seeing this wonderful stone. After they had looked at it, the lecturer said: "Now, children, if you ever hear anybody deny the story of the deluge, or say that the ark did not rest on Mount Ararat, you can tell them that you know better, because you have seen with your own eyes a stone from that very mountain."

The fact that Christ lived in Palestine does not tend to show that he was in any way related to the Holy Ghost; nor does the existence of the Christian religion substantiate the ascension of Jesus Christ. We all admit that Socrates lived in Athens, but we do not admit that he had a familiar spirit. I am satisfied that John

Wesley was an Englishman, but I hardly believe that God postponed a rain because Mr. Wesley wanted to preach. All the natural things in the world are not sufficient to establish the supernatural. Mr. Black reasons in this way: There was a hydra-headed monster. We know this, because Hercules killed him. There must have been such a woman as Proserpine, otherwise Pluto could not have carried her away. Christ must have been divine, because the Holy Ghost was his father. And there must have been such a being as the Holy Ghost, because without a father Christ could not have existed. Those who are disposed to deny everything because a part is false, reason exactly the other way. They insist that because there was no hydra-headed monster, Hercules did not exist. The true position, in my judgment, is that the natural is not to be discarded because found in the company of the miraculous, neither should the miraculous be believed because associated with the probable. There was in all probability such a man as Jesus Christ. He may have lived in Jerusalem. He may have been crucified, but that he was the Son of God, or that he was raised from the dead, and ascended bodily to Heaven, has never been, and, in the nature of things, can never be, substantiated.

Apparently tired with his efforts to answer what I really said, Mr. Black resorted to the expedient of "compressing" my propositions and putting them in italics. By his system of "compression" he was enabled to squeeze out what I really said, and substitute a few sentences of his own. I did not say that "Christianity offers eternal salvation as the reward of belief alone," but I did say that no salvation is offered *without* belief. There must be a difference of opinion in the minds of Mr. Black's witnesses on this subject. In one place we are told that a man is "justified by faith without the deeds of the law"; and in another, "to him that worketh not, but believeth on him that justifieth the ungodly, his faith is counted to him for righteousness"; and the following passages seem to show the necessity of belief:

"He that believeth on Him is not condemned; but he that believeth not is condemned already, because he hath not believed in the name of the only begotten Son of God." "He that believeth on the Son hath everlasting life: and he that believeth not the Son, shall not see life; but the wrath of God abideth on him." "Jesus said unto her, I am the resurrection and the life; he that believeth in Me, though he were dead, yet shall he live." "And whosoever liveth and believeth in Me, shall never die." "For the gifts and calling of God

are without repentance." "For by grace are ye saved through faith; and that not of yourselves; it is the gift of God." "Not of works, lest any man should boast." "Whosoever shall confess that Jesus is the Son of God, God dwelleth in him, and he in God." "Whosoever believeth not shall be damned."

I do not understand that the Christians of to-day insist that simple belief will secure the salvation of the soul. I believe it is stated in the Bible that "the very devils believe"; and it would seem from this that belief is not such a meritorious thing, after all. But Christians do insist that without belief no man can be saved; that faith is necessary to salvation, and that there is "none other name under heaven given among men whereby we can be saved," except that of Christ. My doctrine is that there is only one way to be saved, and that is to act in harmony with your surroundings—to live in accordance with the facts of your being. A Being of infinite wisdom has no right to create a person destined to everlasting pain. For the honest infidel, according to the American Evangelical pulpit, there is no heaven. For the upright atheist, there is nothing in another world but punishment. Mr. Black admits that lunatics and idiots are in no danger of hell. This being so, his God should have created only lunatics and idiots. Why should the fatal gift of brain be given to any human being, if such gift renders him liable to eternal hell? Better be a lunatic here and an angel there. Better be an idiot in this world, if you can be a seraph in the next.

As to the doctrine of the atonement, Mr. Black has nothing to offer except the barren statement that it is believed by the wisest and the best. A Mohammedan, speaking in Constantinople, will say the same of the Koran. A Brahman, in a Hindu temple, will make the same remark, and so will the American Indian, when he endeavors to enforce something upon the young of his tribe. He will say: "The best, the greatest of our tribe have believed in this." This is the argument of the cemetery, the philosophy of epitaphs, the logic of the coffin. Who are the greatest and wisest and most virtuous of mankind? This statement, that it has been believed by the best, is made in connection with an admission that it cannot be fathomed by the wisest. It is not claimed that a thing is necessarily false because it is not understood, but I do claim that it is not necessarily true because it cannot be comprehended. I still insist that "the plan of redemption," as usually preached, is absurd, unjust, and immoral.

For nearly two thousand years Judas Iscariot has been execrated by mankind; and yet, if the doctrine of the atonement is true, upon his treachery hung the plan of salvation. Suppose Judas had known of this plan—known that he was selected by Christ for that very purpose, that Christ was depending on him. And suppose that he also knew that only by betraying Christ could he save either himself or others; what ought Judas to have done? Are you willing to rely upon an argument that justifies the treachery of that wretch?

I insisted upon knowing how the sufferings of an innocent man could satisfy justice for the sins of the guilty. To this, Mr. Black replies as follows: "This raises a metaphysical question, which it is not necessary or possible for me to discuss here." Is this considered an answer? Is it in this way that "my misty creations are made to roll away and vanish into air one after another"? Is this the best that can be done by one of the disciples of the infallible God who butchered babes in Judea? Is it possible for a "policeman" to "silence a rude disturber" in this way? To answer an argument, is it only necessary to say that it "raises a metaphysical question"? Again I say: The life of Christ is worth its example, its moral force, its heroism of benevolence. And again I say: The effort to vindicate a law by inflicting punishment on the innocent is a second violation instead of a vindication.

Mr. Black, under the pretense of "compressing," puts in my mouth the following: "The doctrine of non-resistance, forgiveness of injuries, reconciliation with enemies, as taught in the New Testament, is the child of weakness, degrading and unjust."

This is entirely untrue. What I did say is this: "The idea of non-resistance never occurred to a man who had the power to protect himself. This doctrine was the child of weakness, born when resistance was impossible." I said not one word against the forgiveness of injuries, not one word against the reconciliation of enemies—not one word. I believe in the reconciliation of enemies. I believe in a reasonable forgiveness of injuries. But I do not believe in the doctrine of non-resistance. Mr. Black proceeds to say that Christianity forbids us "to cherish animosity, to thirst for mere revenge, to hoard up wrongs real or fancied, and lie in wait for the chance of paying them back; to be impatient, unforgiving, malicious, and cruel to all who have crossed us." And yet the man who thus describes Christianity tells us

that it is not only our right, but our duty, to fight savages as savages fight us; insists that where a nation tries to exterminate us, we have a right to exterminate them. This same man, who tells us that "the diabolical propensities of the human heart are checked and curbed by the spirit of the Christian religion," and that this religion "has converted men from low savages into refined and civilized beings," still insists that the author of the Christian religion established slavery, waged wars of extermination, abhorred the liberty of thought, and practiced the divine virtues of retaliation and revenge. If it is our duty to forgive our enemies, ought not God to forgive his? Is it possible that God will hate his enemies when he tells us that we must love ours? The enemies of God cannot injure him, but ours can injure us. If it is the duty of the injured to forgive, why should the uninjured insist upon having revenge? Why should a being who destroys nations with pestilence and famine expect that his children will be loving and forgiving?

Mr. Black insists that without a belief in God there can be no perception of right and wrong, and that it is impossible for an atheist to have a conscience. Mr. Black, the Christian, the believer in God, upholds wars of extermination. I denounce such wars as murder. He upholds the institution of slavery. I denounce that institution as the basest of crimes. Yet I am told that I have no knowledge of right and wrong; that I measure with "the elastic cord of human feeling," while the believer in slavery and wars of extermination measures with "the golden metewand of God."

What is right and what is wrong? Everything is right that tends to the happiness of mankind, and everything is wrong that increases the sum of human misery. What can increase the happiness of this world more than to do away with every form of slavery, and with all war? What can increase the misery of mankind more than to increase wars and put chains upon more human limbs? What is conscience? If man were incapable of suffering, if man could not feel pain, the word "conscience" never would have passed his lips. The man who puts himself in the place of another, whose imagination has been cultivated to the point of feeling the agonies suffered by another, is the man of conscience. But a man who justifies slavery, who justifies a God when he commands the soldier to rip open the mother and pierce with the sword of war the child unborn, is

controlled and dominated, not by conscience, but by a cruel and remorseless superstition.

Consequences determine the quality of an action. If consequences are good, so is the action. If actions had no consequences, they would be neither good nor bad. Man did not get his knowledge of the consequences of actions from God, but from experience and reason. If man can, by actual experiment, discover the right and wrong of actions, is it not utterly illogical to declare that they who do not believe in God can have no standard of right and wrong? Consequences are the standard by which actions are judged. They are the children that testify as to the real character of their parents. God or no God, larceny is the enemy of industry—industry is the mother of prosperity—prosperity is a good, and therefore larceny is an evil. God or no God, murder is a crime. There has always been a law against larceny, because the laborer wishes to enjoy the fruit of his toil. As long as men object to being killed, murder will be illegal.

According to Mr. Black, the man who does not believe in a supreme being acknowledges no standard of right and wrong in this world, and therefore can have no theory of rewards and punishments in the next. Is it possible that only those who believe in the God who persecuted for opinion's sake have any standard of right and wrong? Were the greatest men of all antiquity without this standard? In the eyes of intelligent men of Greece and Rome, were all deeds, whether good or evil, morally alike? Is it necessary to believe in the existence of an infinite intelligence before you can have any standard of right and wrong? Is it possible that a being cannot be just or virtuous unless he believes in some being infinitely superior to himself? If this doctrine be true, how can God be just or virtuous? Does he believe in some being superior to himself?

It may be said that the Pagans believed in a god, and consequently had a standard of right and wrong. But the Pagans did not believe in the "true" God. They knew nothing of Jehovah. Of course it will not do to believe in the wrong god. In order to know the difference between right and wrong, you must believe in the right God—in the one who established slavery. Can this be avoided by saying that a false god is better than none?

The idea of justice is not the child of superstition—it was not born of ignorance; neither was it nurtured by the passages in

the Old Testament upholding slavery, wars of extermination, and religious persecution. Every human being necessarily has a standard of right and wrong; and where that standard has not been polluted by superstition, man abhors slavery, regards a war of extermination as murder, and looks upon religious persecution as a hideous crime. If there is a God, infinite in power and wisdom, above him, poised in eternal calm, is the figure of Justice. At the shrine of Justice the infinite God must bow, and in her impartial scales the actions even of Infinity must be weighed. There is no world, no star, no heaven, no hell in which gratitude is not a virtue and where slavery is not a crime.

According to the logic of this "reply," all good and evil become mixed and mingled—equally good and equally bad, unless we believe in the existence of the infallible God who ordered husbands to kill their wives. We do not know right from wrong now, unless we are convinced that a being of infinite mercy waged wars of extermination four thousand years ago. We are incapable even of charity, unless we worship the being who ordered the husband to kill his wife for differing with him on the subject of religion.

We know that acts are good or bad only as they affect the actors, and others. We know that from every good act good consequences flow, and that from every bad act there are only evil results. Every virtuous deed is a star in the moral firmament. There is in the moral world, as in the physical, the absolute and perfect relation of cause and effect. For this reason, the atonement becomes an impossibility. Others may suffer by your crime, but their suffering cannot discharge you; it simply increases your guilt and adds to your burden. For this reason happiness is not a reward—it is a consequence. Suffering is not a punishment—it is a result.

It is insisted that Christianity is not opposed to freedom of thought, but that "it is based on certain principles to which it requires the assent of all." Is this a candid statement? Are we only required to give our assent to certain principles in order to be saved? Are the inspiration of the Bible, the divinity of Christ, the atonement, and the Trinity, principles? Will it be admitted by the orthodox world that good deeds are sufficient unto salvation—that a man can get into heaven by living in accordance with certain principles? This is a most excellent doctrine, but it is not Christianity. And right here, it may be

well enough to state what I mean by Christianity. The morality of the world is not distinctively Christian. Zoroaster, Gautama, Mohammed, Confucius, Christ, and, in fact, all founders of religions, have said to their disciples: You must not steal; You must not murder; You must not bear false witness; You must discharge your obligations. Christianity is the ordinary moral code, *plus* the miraculous origin of Jesus Christ, his crucifixion, his resurrection, his ascension, the inspiration of the Bible, the doctrine of the atonement, and the necessity of belief. Buddhism is the ordinary moral code, *plus* the miraculous illumination of Buddha, the performance of certain ceremonies, a belief in the transmigration of the soul, and in the final absorption of the human by the infinite. The religion of Mohammed is the ordinary moral code, *plus* the belief that Mohammed was the prophet of God, total abstinence from the use of intoxicating drinks, a harem for the faithful here and hereafter, ablutions, prayers, alms, pilgrimages, and fasts.

The morality in Christianity has never opposed the freedom of thought. It has never put, nor tended to put, a chain on a human mind, nor a manacle on a human limb; but the doctrines distinctively Christian — the necessity of believing a certain thing; the idea that eternal punishment awaited him who failed to believe; the idea that the innocent can suffer for the guilty — these things have opposed, and for a thousand years substantially destroyed, the freedom of the human mind. All religions have, with ceremony, magic, and mystery, deformed, darkened, and corrupted the soul. Around the sturdy oaks of morality have grown and clung the parasitic, poisonous vines of the miraculous and monstrous.

I have insisted, and I still insist, that it is impossible for a finite man to commit a crime deserving infinite punishment; and upon this subject Mr. Black admits that "no revelation has lifted the veil between time and eternity"; and, consequently, neither the priest nor the "policeman" knows anything with certainty regarding another world. He simply insists that "in shadowy figures we are warned that a very marked distinction will be made between the good and bad in the next world." There is "a very marked distinction" in this; but there is this rainbow on the darkest human cloud: The worst have hope of reform. All I insist is, if there is another life, the basest soul that finds its way to that dark or radiant shore will have the

everlasting chance of doing right. Nothing but the most cruel ignorance, the most heartless superstition, the most ignorant theology, ever imagined that the few days of human life spent here, surrounded by mists and clouds of darkness, blown over life's sea by storms and tempests of passion, fixed for all eternity the condition of the human race. If this doctrine be true, this life is but a net, in which Jehovah catches souls for hell.

The idea that a certain belief is necessary to salvation unsheathed the swords and lighted the fagots of persecution. As long as heaven is the reward of creed instead of deed, just so long will every orthodox church be a bastile, every member a prisoner, and every priest a turnkey.

In the estimation of good orthodox Christians, I am a criminal, because I am trying to take from loving mothers, fathers, brothers, sisters, husbands, wives, and lovers the consolations naturally arising from a belief in an eternity of grief and pain. I want to tear, break, and scatter to the winds the God that priests erected in the fields of innocent pleasure—a God made of sticks, called creeds, and of old clothes, called myths. I have tried to take from the coffin its horror, from the cradle its curse, and put out the fires of revenge kindled by the savages of the past. Is it necessary that heaven should borrow its light from the glare of hell? Infinite punishment is infinite cruelty, endless injustice, immortal meanness. To worship an eternal gaoler hardens, debases, and pollutes the soul. While there is one sad and breaking heart in the universe, no perfectly good being can be perfectly happy. Against the heartlessness of this doctrine every grand and generous soul should enter its solemn protest. I want no part in any heaven where the saved, the ransomed, and redeemed drown with merry shouts the cries and sobs of hell—in which happiness forgets misery—where the tears of the lost increase laughter and deepen the dimples of joy. The idea of hell was born of ignorance, brutality, fear, cowardice, and revenge. This idea tends to show that our remote ancestors were the lowest beasts. Only from dens, lairs, and caves—only from mouths filled with cruel fangs—only from hearts of fear and hatred—only from the conscience of hunger and lust—only from the lowest and most debased, could come this most cruel, heartless, and absurd of all dogmas.

Our ancestors knew but little of nature. They were too astonished to investigate. They could not divest themselves

of the idea that everything happened with reference to them; that they caused storms and earthquakes; that they brought the tempest and the whirlwind; that on account of something they had done, or omitted to do, the lightning of vengeance leaped from the darkened sky. They made up their minds that at least two vast and powerful beings presided over this world; that one was good and the other bad; that both of these beings wished to get control of the souls of men; that they were relentless enemies, eternal foes; that both welcomed recruits and hated deserters; that one offered rewards in this world, and the other in the next. Man saw cruelty and mercy in nature, because he imagined that phenomena were produced to punish or to reward him. It was supposed that God demanded worship; that he loved to be flattered; that he delighted in sacrifice; that nothing made him happier than to see ignorant faith upon its knees; that above all things he hated and despised doubters and heretics, and regarded investigation as rebellion. Each community felt it a duty to see that the enemies of God were converted or killed. To allow a heretic to live in peace was to invite the wrath of God. Every public evil—every misfortune—was accounted for by something the community had permitted or done. When epidemics appeared, brought by ignorance and welcomed by filth, the heretic was brought out and sacrificed to appease the anger of God. By putting intention behind what man called good, God was produced. By putting intention behind what man called bad, the Devil was created. Leave this "intention" out, and gods and devils fade away. If not a human being existed, the sun would continue to shine, and tempest now and then would devastate the earth; the rain would fall in pleasant showers; violets would spread their velvet bosoms to the sun, the earthquake would devour, birds would sing and daisies bloom and roses blush, and volcanoes fill the heavens with their lurid glare; the procession of the seasons would not be broken, and the stars would shine as serenely as though the world were filled with loving hearts and happy homes. Do not imagine that the doctrine of eternal revenge belongs to Christianity alone. Nearly all religions have had this dogma for a corner-stone. Upon this burning foundation nearly all have built. Over the abyss of pain rose the glittering dome of pleasure. This world was regarded as one of trial. Here, a God of infinite wisdom experimented with man. Between the outstretched paws of

the Infinite, the mouse—man—was allowed to play. Here, man had the opportunity of hearing priests and kneeling in temples. Here, he could read, and hear read, the sacred books. Here, he could have the example of the pious and the counsels of the holy. Here, he could build churches and cathedrals. Here, he could burn incense, fast, wear hair-cloth, deny himself all the pleasures of life, confess to priests, construct instruments of torture, bow before pictures and images, and persecute all who had the courage to despise superstition, and the goodness to tell their honest thoughts. After death, if he died out of the church, nothing could be done to make him better. When he should come into the presence of God, nothing was left except to damn him. Priests might convert him here, but God could do nothing there. All of which shows how much more a priest can do for a soul than its creator. Only here, on the earth, where the devil is constantly active, only where his agents attack every soul, is there the slightest hope of moral improvement. Strange! that a world cursed by God, filled with temptations, and thick with fiends, should be the only place where man can repent, the only place where reform is possible!

Masters frightened slaves with the threat of hell, and slaves got a kind of shadowy revenge by whispering back the threat. The imprisoned imagined a hell for their gaolers; the weak built this place for the strong; the arrogant for their rivals; the vanquished for their victors; the priest for the thinker; religion for reason; superstition for science. All the meanness, all the revenge, all the selfishness, all the cruelty, all the hatred, all the infamy of which the heart of man is capable, grew, blossomed, and bore fruit in this one word—Hell. For the nourishment of this dogma, cruelty was soil, ignorance was rain, and fear was light.

Why did Mr. Black fail to answer what I said in relation to the doctrine of inspiration? Did he consider that a "metaphysical question"? Let us see what inspiration really is. A man looks at the sea, and the sea says something to him. It makes an impression on his mind. It awakens memory, and this impression depends upon his experience—upon his intellectual capacity. Another looks upon the same sea. He has a different brain; he has a different experience. The sea may speak to him of joy, to the other of grief and tears. The sea cannot tell the same thing to any two human beings, because no two human beings have had

the same experience. One may think of wreck and ruin, and another, while listening to the "multitudinous laughter of the sea," may say: Every drop has visited all the shores of earth; every one has been frozen in the vast and icy North, has fallen in snow, has whirled in storms around the mountain peaks, been kissed to vapor by the sun, worn the seven-hued robe of light, fallen in pleasant rain, gurgled from springs, and laughed in brooks while lovers wooed upon the banks. Everything in nature tells a different story to all eyes that see and to all ears that hear. So, when we look upon a flower, a painting, a statue, a star, or a violet, the more we know, the more we have experienced, the more we have thought, the more we remember, the more the statue, the star, the painting, the violet has to tell. Nature says to me all that I am capable of understanding—gives all that I can receive. As with star, or flower, or sea, so with a book. A thoughtful man reads Shakespeare. What does he get? All that he has the mind to understand. Let another read him, who knows nothing of the drama, nothing of the impersonations of passion, and what does he get? Almost nothing. Shakespeare has a different story for each reader. He is a world in which each recognizes his acquaintances. The impression that nature makes upon the mind, the stories told by sea and star and flower, must be the natural food of thought. Leaving out for the moment the impressions gained from ancestors, the hereditary fears and drifts and trends—the natural food of thought must be the impressions made upon the brain by coming in contact through the medium of the senses with what we call the outward world. The brain is natural; its food is natural; the result, thought, must be natural. Of the supernatural we have no conception. Thought may be deformed, and the thought of one may be strange to, and denominated unnatural by, another; but it cannot be supernatural. It may be weak, it may be insane, but it is not supernatural. Above the natural, man cannot rise. There can be deformed ideas, as there are deformed persons. There may be religions monstrous and misshapen, but they were naturally produced. The world is to each man according to each man. It takes the world as it really is and that man to make that man's world.

You may ask, And what of all this? I reply, As with everything in nature, so with the Bible. It has a different story for each reader. Is, then, the Bible a different book to every human

being who reads it? It is. Can God, through the Bible, make precisely the same revelation to two persons? He cannot. Why? Because the man who reads is not inspired. God should inspire readers as well as writers.

You may reply: God knew that his book would be understood differently by each one, and intended that it should be understood as it is understood by each. If this is so, then my understanding of the Bible is the real revelation to me. If this is so, I have no right to take the understanding of another. I must take the revelation made to me through my understanding, and by that revelation I must stand. Suppose, then, that I read this Bible honestly, fairly, and when I get through am compelled to say, "The book is not true." If this is the honest result, then you are compelled to say, either that God has made no revelation to me, or that the revelation that it is not true is the revelation made to me, and by which I am bound. If the book and my brain are both the work of the same infinite God, whose fault is it that the book and brain do not agree? Either God should have written a book to fit my brain, or should have made my brain to fit his book. The inspiration of the Bible depends upon the credulity of him who reads. There was a time when its geology, its astronomy, its natural history, were thought to be inspired: that time has passed. There was a time when its morality satisfied the men who ruled the world of thought: that time has passed.

Mr. Black, continuing his process of compressing my propositions, attributes to me the following statement: "The gospel of Christ does not satisfy the hunger of the heart." I did not say this. What I did say is: "The dogmas of the past no longer reach the level of the highest thought, nor satisfy the hunger of the heart." In so far as Christ taught any doctrine in opposition to slavery, in favor of intellectual liberty, upholding kindness, enforcing the practice of justice and mercy, I most cheerfully admit that his teachings should be followed. Such teachings do not need the assistance of miracles. They are not in the region of the supernatural. They find their evidence in the glad response of every honest heart that superstition has not touched and stained. The great question under discussion is, whether the immoral, absurd, and infamous can be established by the miraculous. It cannot be too often repeated, that truth scorns the assistance of miracle. That which actually happens

sets in motion innumerable effects, which, in turn, become causes producing other effects. These are all "witnesses" whose "depositions" continue. What I insist on is, that a miracle cannot be established by human testimony. We have known people to be mistaken. We know that all people will not tell the truth. We have never seen the dead raised. When people assert that they have, we are forced to weigh the probabilities, and the probabilities are on the other side. It will not do to assert that the universe was created, and then say that such creation was miraculous, and, therefore, all miracles are possible. We must be sure of our premises. Who knows that the universe was created? If it was not; if it has existed from eternity; if the present is the necessary child of all the past, then the miraculous is the impossible. Throw away all the miracles of the New Testament, and the good teachings of Christ remain—all that is worth preserving will be there still. Take from what is now known as Christianity the doctrine of the atonement, the fearful dogma of eternal punishment, the absurd idea that a certain belief is necessary to salvation, and with most of the remainder the good and intelligent will most heartily agree.

Mr. Black attributes to me the following expression: "Christianity is pernicious in its moral effect, darkens the mind, narrows the soul, arrests the progress of human society, and hinders civilization." I said no such thing. Strange, that he is only able to answer what I did not say. I endeavored to show that the passages in the Old Testament upholding slavery, polygamy, wars of extermination, and religious intolerance had filled the world with blood and crime. I admitted that there are many wise and good things in the Old Testament. I also insisted that the doctrine of the atonement—that is to say, of moral bankruptcy—the idea that a certain belief is necessary to salvation, and the frightful dogma of eternal pain, had narrowed the soul, had darkened the mind, and had arrested the progress of human society. Like other religions, Christianity is a mixture of good and evil. The church has made more orphans than it has fed. It has never built asylums enough to hold the insane of its own making. It has shed more blood than light.

Mr. Black seems to think that miracles are the most natural things imaginable, and wonders that anybody should be insane enough to deny the probability of the impossible. He regards all who doubt the miraculous origin, the resurrection and ascension

of Jesus Christ, as afflicted with some "error of the moon," and declares that their "disbelief seems like a kind of insanity."

To ask for evidence is not generally regarded as a symptom of a brain diseased. Delusions, illusions, phantoms, hallucinations, apparitions, chimeras, and visions are the common property of the religious and the insane. Persons blessed with sound minds and healthy bodies rely on facts, not fancies—on demonstrations, instead of dreams. It seems to me that the most orthodox Christians must admit that many of the miracles recorded in the New Testament are extremely childish. They must see that the miraculous draught of fishes, changing water into wine, fasting for forty days, inducing devils to leave an insane man by allowing them to take possession of swine, walking on the water, and using a fish for a pocket-book, are all unworthy of an infinite being, and are calculated to provoke laughter—to feed suspicion and engender doubt.

Mr. Black takes the ground that if a man believes in the creation of the universe—that being the most stupendous miracle of which the mind can conceive—he has no right to deny anything. He asserts that God created the universe; that creation was a miracle; that "God would be likely to reveal his will to the rational creatures who were required to obey it," and that he would authenticate his revelation by giving his prophets and apostles supernatural power.

After making these assertions, he triumphantly exclaims: "It therefore follows that the improbability of a miracle is no greater than the original improbability of a revelation, and that is not improbable at all."

How does he know that God made the universe? How does he know what God would be likely to do? How does he know that any revelation was made? And how did he ascertain that any of the apostles and prophets were intrusted with supernatural power? It will not do to prove your premises by assertions, and then claim that your conclusions are correct, because they agree with your premises.

If "God would be likely to reveal his will to the rational creatures who were required to obey it," why did he reveal it only to the Jews? According to Mr. Black, God is the only natural thing in the universe.

We should remember that ignorance is the mother of credulity; that the early Christians believed everything but the

truth, and that they accepted Paganism, admitted the reality of all the Pagan miracles—taking the ground that they were all forerunners of their own. Pagan miracles were never denied by the Christian world until late in the seventeenth century. Voltaire was the third man of note in Europe who denied the truth of Greek and Roman mythology. "The early Christians cited Pagan oracles predicting in detail the sufferings of Christ. They forged prophecies, and attributed them to the heathen sibyls, and they were accepted as genuine by the entire church."

St. Irenæus assures us that all Christians possessed the power of working miracles; that they prophesied, cast out devils, healed the sick, and even raised the dead. St. Epiphanius asserts that some rivers and fountains were annually transmuted into wine, in attestation of the miracle of Cana, adding that he himself had drunk of these fountains. St. Augustine declares that one was told in a dream where the bones of St. Stephen were buried, that the bones were thus discovered, and brought to Hippo, and that they raised five dead persons to life, and that in two years seventy miracles were performed with these relics. Justin Martyr states that God once sent some angels to guard the human race, that these angels fell in love with the daughters of men, and became the fathers of innumerable devils.

For hundreds of years, miracles were about the only things that happened. They were wrought by thousands of Christians, and testified to by millions. The saints and martyrs, the best and greatest, were the witnesses and workers of wonders. Even heretics, with the assistance of the devil, could suspend the "laws of nature." Must we believe these wonderful accounts because they were written by "good men," by Christians, "who made their statements in the presence and expectation of death"? The truth is that these "good men" were mistaken. They expected the miraculous. They breathed the air of the marvelous. They fed their minds on prodigies, and their imaginations feasted on effects without causes. They were incapable of investigating. Doubts were regarded as "rude disturbers of the congregation." Credulity and sanctity walked hand in hand. Reason was danger. Belief was safety. As the philosophy of the ancients was rendered almost worthless by the credulity of the common people, so the proverbs of Christ, his religion of forgiveness, his creed of kindness, were lost in the mist of miracle and the darkness of superstition.

If Mr. Black is right, there were no virtue, justice, intellectual liberty, moral elevation, refinement, benevolence, or true wisdom, until Christianity was established. He asserts that when Christ came, "benevolence, in any shape, was altogether unknown."

He insists that "the infallible God who authorized slavery in Judea" established a government; that he was the head and king of the Jewish people; that for this reason heresy was treason. Is it possible that God established a government in which benevolence was unknown? How did it happen that he established no asylums for the insane? How do you account for the fact that your God permitted some of his children to become insane? Why did Jehovah fail to establish hospitals and schools? Is it reasonable to believe that a good God would assist his chosen people to exterminate or enslave his other children? Why would your God people a world, knowing that it would be destitute of benevolence for four thousand years? Jehovah should have sent missionaries to the heathen. He ought to have reformed the inhabitants of Canaan. He should have sent teachers, not soldiers—missionaries, not murderers. A God should not exterminate his children; he should reform them.

Mr. Black gives us a terrible picture of the condition of the world at the coming of Christ; but did the God of Judea treat his own children, the Gentiles, better than the Pagans treated theirs? When Rome enslaved mankind—when with her victorious armies she sought to conquer or to exterminate tribes and nations, she but followed the example of Jehovah. Is it true that benevolence came with Christ, and that his coming heralded the birth of pity in the human heart? Does not Mr. Black know that, thousands of years before Christ was born, there were hospitals and asylums for orphans in China? Does he not know that in Egypt, before Moses lived, the insane were treated with kindness and wooed back to natural thought by music's golden voice? Does he not know that in all times, and in all countries, there have been great and loving souls who wrought, and toiled, and suffered, and died that others might enjoy? Is it possible that he knows nothing of the religion of Buddha—a religion based upon equality, charity, and forgiveness? Does he not know that, centuries before the birth of the great Peasant of Palestine, another, upon the plains of India, had taught the doctrine of forgiveness; and that, contrary to the tyranny of Jehovah, had given birth to the sublime declaration that all men are by nature free

and equal? Does he not know that a religion of absolute trust in God had been taught thousands of years before Jerusalem was built—a religion based upon absolute special Providence, carrying its confidence to the extremest edge of human thought, declaring that every evil is a blessing in disguise, and that every step taken by mortal man, whether in the rags of poverty or the royal robes of kings, is the step necessary to be taken by that soul in order to reach perfection and eternal joy? But how is it possible for a man who believes in slavery to have the slightest conception of benevolence, justice, or charity? If Mr. Black is right, even Christ believed and taught that man could buy and sell his fellow-man. Will the Christians of America admit this? Do they believe that Christ from heaven's throne mocked when colored mothers, reft of babes, knelt by empty cradles and besought his aid?

For the man Christ—for the reformer who loved his fellow-men—for the man who believed in an Infinite Father, who would shield the innocent and protect the just—for the martyr who expected to be rescued from the cruel cross, and who at last, finding that his hope was dust, cried out in the gathering gloom of death: "My God! My God! Why hast thou forsaken me?" —for that great and suffering man, mistaken though he was, I have the highest admiration and respect. That man did not, as I believe, claim a miraculous origin; he did not pretend to heal the sick nor raise the dead. He claimed simply to be a man, and taught his fellow-men that love is stronger far than hate. His life was written by reverent ignorance. Loving credulity belittled his career with feats of jugglery and magic art, and priests, wishing to persecute and slay, put in his mouth the words of hatred and revenge. The theological Christ is the impossible union of the human and divine—man with the attributes of God, and God with the limitations and weaknesses of man.

After giving a terrible description of the Pagan world, Mr. Black says: "The church came, and her light penetrated the moral darkness like a new sun; she covered the globe with institutions of mercy."

Is this true? Do we not know that when the Roman empire fell, darkness settled on the world? Do we not know that this darkness lasted for a thousand years, and that during all that time the church of Christ held, with bloody hands, the sword of power? These years were the starless midnight of our race. Art

died, law was forgotten, toleration ceased to exist, charity fled from the human breast, and justice was unknown. Kings were tyrants, priests were pitiless, and the poor multitude were slaves. In the name of Christ, men made instruments of torture, and the *auto da fé* took the place of the gladiatorial show. Liberty was in chains, honesty in dungeons, while Christian superstition ruled mankind. Christianity compromised with Paganism. The statues of Jupiter were used to represent Jehovah. Isis and her babe were changed to Mary and the infant Christ. The Trinity of Egypt became the Father, Son, and Holy Ghost. The simplicity of the early Christians was lost in heathen rites and Pagan pomp. The believers in the blessedness of poverty became rich, avaricious, and grasping, and those who had said, "Sell all, and give to the poor," became the ruthless gatherers of tithes and taxes. In a few years the teachings of Jesus were forgotten. The gospels were interpolated by the designing and ambitious. The church was infinitely corrupt. Crime was crowned, and virtue scourged. The minds of men were saturated with superstition. Miracles, apparitions, angels, and devils had possession of the world. "The nights were filled with incubi and succubi; devils, clad in wondrous forms, and imps in hideous shapes, sought to tempt or fright the soldiers of the cross. The maddened spirits of the air sent hail and storm. Sorcerers wrought sudden death, and witches worked with spell and charm against the common weal." In every town the stake arose. Faith carried fagots to the feet of philosophy. Priests—not "politicians"—fed and fanned the eager flames. The dungeon was the foundation of the cathedral. Priests sold charms and relics to their flocks to keep away the wolves of hell. Thousands of Christians, failing to find protection in the church, sold their poor souls to Satan for some magic wand. Suspicion sat in every house, families were divided, wives denounced husbands, husbands denounced wives, and children their parents. Every calamity then, as now, increased the power of the church. Pestilence supported the pulpit, and famine was the right hand of faith. Christendom was insane.

Will Mr. Black be kind enough to state at what time "the church covered the globe with institutions of mercy"? In his reply, he conveys the impression that these institutions were organized in the first century, or at least in the morning of Christianity. How many hospitals for the sick were established by the church during a thousand years? Do we not know that for hun-

dreds of years the Mohammedans erected more hospitals and asylums than the Christians? Christendom was filled with racks and thumb-screws, with stakes and fagots, with chains and dungeons, for centuries before a hospital was built. Priests despised doctors. Prayer was medicine. Physicians interfered with the sale of charms and relics. The church did not cure—it killed. It practiced surgery with the sword. The early Christians did not build asylums for the insane. They charged them with witchcraft, and burnt them. They built asylums, not for the mentally diseased, but for the mentally developed. These asylums were graves.

All the languages of the world have not words of horror enough to paint the agonies of man when the church had power. Tiberius, Caligula, Claudius, Nero, Domitian, and Commodus were not as cruel, false, and base as many of the Christian Popes. Opposite the names of these imperial criminals write John the XII., Leo the VIII., Boniface the VII., Benedict the IX., Innocent the III., and Alexander the VI. Was it under these pontiffs that the "church penetrated the moral darkness like a new sun," and covered the globe with institutions of mercy? Rome was far better when Pagan than when Catholic. It was better to allow gladiators and criminals to fight than to burn honest men. The greatest of the Romans denounced the cruelties of the arena. Seneca condemned the combats even of wild beasts. He was tender enough to say that "we should have a bond of sympathy for all sentient beings, knowing that only the depraved and base take pleasure in the sight of blood and suffering." Aurelius compelled the gladiators to fight with blunted swords. Roman lawyers declared that all men are by nature free and equal. Woman, under Pagan rule in Rome, became as free as man. Zeno, long before the birth of Christ, taught that virtue alone establishes a difference between men. We know that the CIVIL LAW is the foundation of our codes. We know that fragments of Greek and Roman art—a few manuscripts saved from Christian destruction, some inventions and discoveries of the Moors—were the seeds of modern civilization. Christianity, for a thousand years, taught memory to forget and reason to believe. Not one step was taken in advance. Over the manuscripts of philosophers and poets, priests, with their ignorant tongues thrust out, devoutly scrawled the forgeries of faith. For a thousand years the torch of progress was extinguished in the blood of Christ, and his disciples, moved by ignorant zeal, by

insane, cruel creeds, destroyed with flame and sword a hundred millions of their fellow-men. They made this world a hell. But if cathedrals had been universities—if dungeons of the Inquisition had been laboratories—if Christians had believed in character instead of creed—if they had taken from the Bible all the good and thrown away the wicked and absurd—if domes of temples had been observatories—if priests had been philosophers—if missionaries had taught the useful arts—if astrology had been astronomy—if the black art had been chemistry—if superstition had been science—if religion had been humanity—it would have been a heaven filled with love, with liberty, and joy.

We did not get our freedom from the church. The great truth, that all men are by nature free, was never told on Sinai's barren crags, nor by the lonely shores of Galilee.

The Old Testament filled this world with tyranny and crime, and the New gives us a future filled with pain for nearly all the sons of men. The Old describes the hell of the past, and the New the hell of the future. The Old tells us the frightful things that God has done—the New the cruel things that he will do. These two books give us the sufferings of the past and future—the injustice, the agony, and tears of both worlds. If the Bible is true—if Jehovah is God—if the lot of countless millions is to be eternal pain—better a thousand times that all the constellations of the shoreless vast were eyeless darkness and eternal space. Better that all that is should cease to be. Better that all the seeds and springs of things should fail and wither from great Nature's realm. Better that causes and effects should lose relation and become unmeaning phrases and forgotten sounds. Better that every life should change to breathless death, to voiceless blank, and every world to blind oblivion and to moveless naught.

Mr. Black justifies all the crimes and horrors, excuses all the tortures of all the Christian years, by denouncing the cruelties of the French Revolution. Thinking people will not hasten to admit that an infinitely good being authorized slavery in Judea, because of the atrocities of the French Revolution. They will remember the sufferings of the Huguenots. They will remember the massacre of St. Bartholomew. They will not forget the countless cruelties of priest and king. They will not forget the dungeons of the Bastile. They will know that the Revolution was an effect, and that liberty was not the cause—that atheism

was not the cause. Behind the Revolution they will see altar and throne—sword and fagot—palace and cathedral—king and priest—master and slave—tyrant and hypocrite. They will see that the excesses, the cruelties, and crimes were but the natural fruit of seeds the church had sown. But the Revolution was not entirely evil. Upon that cloud of war, black with the myriad miseries of a thousand years, dabbled with blood of king and queen, of patriot and priest, there was this bow: "Beneath the flag of France all men are free." In spite of all the blood and crime, in spite of deeds that seem insanely base, the People placed upon a Nation's brow these stars:—Liberty, Fraternity, Equality—grander words than ever issued from Jehovah's lips.

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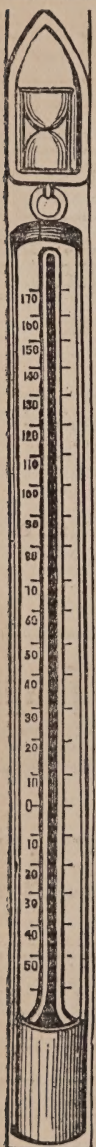

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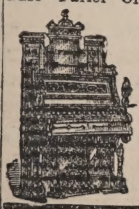

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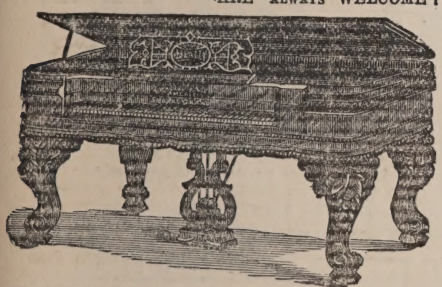

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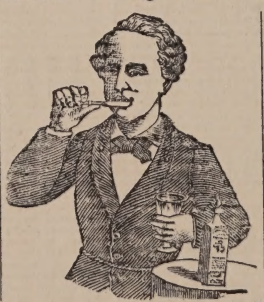

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DECEMBER, 1881.

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NORTH AMERICAN REVIEW.

No. CCCI.

DECEMBER, 1881.

THE MONROE DOCTRINE IN 1881.

In a late number of this Review—September, 1881—the historical development of the "Monroe Declaration" was stated. That declaration was shown to be especially applicable to the international conditions then existing. Its formula was more limited than that recommended by some of the chief counselors of the President. He, acting under the influence of his great responsibility and his characteristic caution, was content to satisfy the immediate demands of his time. Mr. Adams and Mr. Jefferson, with far-reaching foresight, would establish the principle in terms broad enough to embrace the needs of the future.

The object of this article is to show the later expansion of the principle, and to affirm the necessity of its application to-day in the broader sense indicated by both Mr. Jefferson and Mr. Adams.

The Cabinet of 1823 was alarmed by the despotic announcements of the powers at Laybach and at Troppau. These furnished a powerful motive of its decision. The imperial coalition had proclaimed at Laybach that they regarded every reform effected by means of an insurrection as null, and contrary to the public laws of Europe; and that they would pursue rebellion everywhere, and under whatever form it should show itself. At Troppau they went so far as to affirm that, by divine law,

European nations had the imprescriptible right to put themselves in open hostility against states which, by a change of their institutions or their government, offered a dangerous example. These principles clearly touched the life of every American republic; and in 1823 they were forcibly applied to the suppression of the parliamentary system of the Spanish monarchy, and then threatened the colonies. It is quite credible that at that period only the great waste of the Atlantic waters saved the American republics from a conflict for their national life. Even this wide desert boundary did not save Mexico so late as 1864–'5 from the vital struggle between European and American political systems.

It may be admitted that the principles in question, as declared by Mr. Monroe, were limited to these two points: *First.* That no foreign power should establish thereafter, as of their own right, a colony within the territories of any of the *de facto* independent states of America, meaning thereby to include all parts of both continents not at that time held as colonial possessions. *Second.* That no European power should attempt by force to introduce monarchical institutions into any American territory, or otherwise interfere to oppress the American states, or control their independent development.

Señor Calvo, in his late treatise on international law, after a review of the principles of Mr. Monroe's message, of the international conditions which preceded it, and of the Congressional discussions which followed it, states its points touching colonization as follows: "*First.* That the European colonial system is inapplicable to the new situation of America, because all parts of the American continents are inhabited by civilized nations, which, in respect to their independence, and to alien sovereignty over them, have absolutely the same title as European nations. *Second.* That the questions of boundary between the ancient European establishments and the new American states can only be settled according to the general principles of international law. *Third.* That the first occupation or first exploration creates now no longer any right of sovereignty over the American territories, whose rightful sovereignty can only result, in the future, from a treaty or from war. In this last point of view we may say that American public law is the same as that of Europe, and rests exactly upon the same basis."

If Europe had frankly accepted Mr. Monroe's declarations in their spirit, we should have had no occasion to re-affirm his

principles, or to enlarge the terms of their statement. But Europe has not done so. Chili has had complaints touching colonizations attempted on her extreme southern and inhospitable borders. England has asserted claims in Central America which have caused us troublesome and dangerous complications. France and Austria, at first assisted by Spain and England, have made a serious assault upon Mexico, to control her independence and to change her government. They have not respected our demand for non-interference in the internal affairs of this hemisphere. Some of them still seek possessions here. They have forced us to vigilance. Calvo is probably right in saying that the letter of the Monroe Declaration leaves open the question of colonial acquisitions by war or by treaty. Nevertheless, beyond our own territory, our interest is exclusively with the fact of colonization, no matter by what mode or claim of right. Our interests are affected by the *fact*. Whether they change a sovereign jurisdiction on a part of our continent, or effect other interference, by direct war, or by the instrumentality of a charter granted by them to their subjects, with retained power of control; whether they act by intimidation, by force, by finesse, or by purchase, it is the resulting *fact* with which we have to deal. It is that which touches our interests, and changes our existing relations with the territory affected.

Cannot a European nation, then, make wars or treaties with an independent American state? Certainly. But should their result involve unnecessary detriment to our national interests, or threaten our national security, public law and precedent concede to us the right to protest, and to enforce that protest by defensive action. European diplomacy is full of precedents for the right of intervention in such cases. The entire "balance-of-power" theory, whose discussions fill the modern diplomatic history of Europe, starts from that principle. We need go no farther to seek a precedent than in Mr. Canning's proposals to Mr. Rush for joint action against the anticipated projects of France, in 1823. These projects involved no direct assault on England or the United States. They were directed exclusively to territories of a third power, and threatened a change, simply, in a foreign country, which France might obtain by cession, or as indemnity for war.

It is no longer for us a question of despotism extending its sphere of supremacy to America. It is a question now of com-

mercial rivalry and commercial advantages. Covetous eyes are cast on outlying islands and continental coasts of Central and South America. A steam-ship line is preferred to an army; a canal to a fortification; a good harbor to a strong citadel. One far-sighted government, eager for the extension of its foreign trade and naval influence, has initiated negotiations for the transfer to it of a seemingly unimportant but really commanding tract of waste land. The weak government approached may be disposed to yield. The islands of the Central, the Pacific, and the Southern seas have become objects of special interest and examination to more than one of the naval and commercial powers of the Old World. At least two of the Continental powers have been looking diligently for new colonial stations across or in the world of Western waters. The unhappy and repeated dissensions and irregularities of the Central and South American states furnish too many occasions for foreign interference and foreign claims of indemnity. Their resulting financial condition offers too strong temptation to relieve embarrassments by the expropriation of territorial rights and privileges. It is easy to find occasion for a naval war, if any European power desires a pretext for the seizure of a port or a territory. The recognized doctrine of a war indemnity stands in aid of the acquisitive purpose. To establish a colonial dependency in America by treaty, or as a result of war,—these alternatives, according to Señor Calvo, remain to the European nations without violating the principle of the Monroe Declaration.

Europe would be misled by the acceptance of that view, and still more deceived by accepting it as indicating the principles distinctly held on this subject by the United States during the last thirty years.

The original declaration was limited, in words, by the circumstances of that epoch. The reasons upon which it was founded provided room for a further development and extension of the declaration. This Government has from time to time indicated this development, and shown its desire to preserve always toward the ambitious commercial powers of Europe an attitude of candor and dignity, while defending its own rights and interests. There was no display of mere sentiment against monarchical institutions in America. On the contrary, our Government recognized the imperial establishment of Itur-

bide in Mexico, and of Dom Pedro in Brazil, because both were by free choice of the people, and were home powers. Indeed, the Brazilian diplomatic agent told Mr. Adams that the Brazilian Emperor was more republican than the people whom he ruled. On the other hand, we have always claimed that it was our material interests which demanded the maintenance of the American principle of non-colonization by Europe on the Western continents. While acknowledging existing colonial rights, Mr. Adams was of opinion that "we could not see with indifference any attempt . . . to transfer any portion of the ancient or present American possessions of Spain to any other European power." Mr. Rush was ready to unite with Mr. Canning in declaring that "we could not see any portion of them transferred to any other power with indifference." Mr. Jefferson advised President Monroe—facing a possible war for the principle—"to establish the American system of keeping out of our land all foreign powers; of never permitting those of Europe to intermeddle with the affairs of our nations"; and to oppose, "most especially, their transfer [of the Spanish-American possessions] to any power by conquest, cession, or acquisition in any other way."

Our own happy condition is not, unfortunately, that of all our neighbors of this hemisphere. It will not be theirs for many years to come. Their weakness has invited, their internal disorders have provoked, the acquisitive passions of several European governments. The persistent interference of the British in Nicaragua has been one long vexation to that weak nation, to our Government, and to our interests in Central America. Through it all, our Government asserted the non-colonization principle. It was not settled, though earnestly desired, by the Anglo-Nicaraguan treaty of 1860, which is itself at this time the subject of arbitration. In 1848, Yucatan, too weak to suppress by her own arms the general insurrection of her uncivilized Indians, appealed to England and to Spain for help. This being refused, she offered to the United States her sovereignty in exchange for the required assistance. Mexico claimed this sovereignty; and our Government, although at war with her, refused the offer, but proposed to aid this detached state of the Mexican federation. President Polk, in his message of December, 1845, after approving the Monroe Declaration, had said that it should be distinctly announced to the world as our settled

policy, that "no future European colony or dominion shall, with our consent, be planted or established on any part of the American continent." On this occasion, in 1848, in his message on the subject of Yucatan, he further declared that "we could not consent to a transfer of this dominion and sovereignty, either to Spain, Great Britain, or any other European power; . . . it would be dangerous to our peace and security if it should become a colony of any European nation."

The attempt to plant an Austro-French empire in Mexico is so recent as to need little explanation. It was a conception of the French Emperor, which he hoped to execute during our civil war, and by its success not only to obtain commercial advantages, but to discredit the republican system in America and break its prestige in Europe. It furnished an occasion to manifest again, and in a practical way, the adhesion of our Government to the principles announced forty years previously. The representations of our Government to both France and Austria were explicit, and, after the spring of 1865, very resolute in their tone toward the imperial cabinet at Paris. In fact, the French-American relations became at one time very delicate; we had an army of observation on the Mexican frontier, and the second in rank of our army officers was ordered to the side of President Juarez in Mexico. A direct engagement was finally made by the French Government to the American for the definitive withdrawal of the French troops in a limited time. The Emperor promised for the future non-interference in Mexican affairs. That sad chapter of the history of European intervention in America presents one relief of color to an otherwise melancholy picture. It informed the governments of Europe how impossible it is for them to govern Americans, and how impracticable it is to extend their system to the New World. The attempt will not probably be repeated, except for colonization in smaller territories or isolated possessions.

It may be very positively affirmed that the underlying motive of the non-colonization principle was and is the danger which European dominions in America offer to our material interests, both in peace and in war. It means a flanking position, a military and naval rendezvous, in time of war, and an exclusive commercial position in time of peace. Rights of commerce and navigation, often questioned, are referred to a distant government for settlement. Such questions, arising on one continent

and referred to another and distant continent for adjustment, always find the European tribunal of appeal to be dilatory, slowly informed, and hesitating in action. Justice, halting and reluctant, moves with slow steps across the seas.

It was largely, if not chiefly, to avoid this danger, that President Adams advised the participation of the United States in the Panama Congress. In his message of March, 1826, speaking of the advantages we derived from independent American states, he says: "The United States enjoy the right of commercial intercourse with every part of their possessions. To attempt the establishment of a colony in those possessions would be to usurp, to the exclusion of others, a commercial intercourse which was the common possession of all. It could not be done without encroaching upon existing rights of the United States." He further declares that, among the subjects of consultation proposed at Panama, was "the means of making effectual the assertion of that principle"; and he looked for mutual pledges, each nation for itself, "to permit no colonial lodgment, or establishment of European jurisdiction, upon its own soil." That policy had been urged also upon Mexico, in a separate correspondence conducted by Mr. Clay as Secretary of State. It was adopted by the four states represented at Panama.

But, leaving the domain of authority and precedent, let us further examine it upon the grounds of reason.

What argument exists, on our part, to support an objection to Central or South American colonization by Europe under claim of "prior discovery," which does not equally militate against colonization effected by war, or secured by a cession of territory? Our own territorial rights being untouched, in what way are *we* more injured by the former than by the latter? In either case, it excludes or constrains our commercial interests as secured by existing treaties. In either case, it creates for us a new and unwelcome neighbor, and new relations. If secured by one of the naval powers, it exposes us to a new military danger. If accomplished by a great power, it compels the increase of our own military or naval preparations to preserve our equality in the event of war. If near our great lines of commerce, it becomes a standing menace to our commercial life. It touches every national interest. It is self-evident that we could not regard such an establishment, in whatever way of peace or war effected, "with indifference"—as the diplomatists put it. It would it

ought to, cause serious inquietude to our Government. Need we recall again the Nicaraguan dispute, which brought us to the verge of war? Do we not remember the squadron dispatched to the Antilles by the British Government, when they believed France was seeking to acquire Cuba by cession, and Mr. Canning's protest against that cession? Yet that could affect England in no sense equal to the effect upon us of the acquisition by a great European power of Cuba, or of any other strong position, insular or continental, commanding either side of Central America, or the chief lines of our commercial routes along this or the Southern continent.

In another respect any new European acquisition on this continent would touch very seriously our important interests. Delegated authority, exercised across distant seas, is the occasion of frequent misunderstandings and commercial embarrassments. The reparation or remedy is referred to a distant government, and is tediously obtained, if obtained at all. A supreme government in immediate contact obviates this danger of disturbance to commerce and to amicable relations. Canada and Cuba have repeatedly illustrated, and amply, the justice of this ground of objection to further colonial establishments in this hemisphere. It is not long since one of these questions in connection with Cuba cost us four millions in preparation to secure justice for wrongs there perpetrated. Either great or petty causes of irritation are continually arising with the colonial dominions on the north of us. Their semi-independent condition encourages a freedom of action sometimes in conflict with our rights and interests, but without the authority, however willingly disposed, to assure us relief or remedy by treaty. Our future relations with this "dominion" will cause — already cause — anxiety to thoughtful American statesmanship, from which there now appears no certain issue, except in its independence. Our increasing settlements and interests on the Northern Pacific coast bring British Columbia still more forcibly within the scope of these considerations.

It should require no urgency to awaken our Government to the endless complications which would arise from the intrusion of European control in Central America, within the range of the coming trans-isthmian communications. To suggest control there by a naval power of Europe, is to suggest war with the United States. The connecting water-line between our Atlantic and Pacific coasts can, no more than the Pacific Railroad, be allowed

to come under European control. The communication should be opened on a line approved by the United States, by a company chartered by, or with the formal approval of, the United States, and sanctioned by the local government; constructed, if necessary, by the financial aid of the United States; and opened on equal terms to the use of all foreign nations, but under the control of none of them. The charter should provide that none of the proprietary rights of the company should ever be transferred to any foreign government, nor any lien upon its rights, franchises, or possessions be conveyed, directly or indirectly, to any foreign government. No chance should be left to convert a weak Central American state into another distracted Egypt, by means of foreign possessory rights in another isthmian canal.

Let us revive the doctrine, not the declaration, of President Monroe's administration, in the light of later experience and of wider development of interests. The time is most favorable. Our foreign relations are universally amicable. Our domestic prosperity and contentment frees the Government from anxious interior cares. Our finances are well ordered and satisfactory. We can freely turn our eyes abroad, not for aggressive action, but for peaceful and secure development. We can tranquilly determine our policy upon the questions under review, and inquire whether we ought not to advance from the earlier declaration, made by the President sixty years ago, when we had no Pacific coast, to a position and to action more conformable to our present condition and interests, and to the present ambitions of other governments. For our own territory, or for our political system — defended by fifty millions of people devoted to it, and ready to spring to arms for its defense — we fear nothing. The sentiment of monarchy toward popular republics has radically changed. Liberty has advanced eastward with long strides, while despotism has receded to the borders of Asia. History, authority, reason, and existing conditions amply justify the formal declaration of the principle foreshadowed by Mr. Monroe's advisers. The United States could not witness with indifference the establishment on these American continents of any new military or naval position, in whatever way acquired, or of any new colony under European jurisdiction, or the transfer to any other European naval power of any existing colonial dependency.

It would not be proper to disclose here all the reasons which urge us to the early and resolute adoption of this principle, and to the preparation of all needful means for its enforcement. If

not now formulated and declared, it should be accepted by our statesmen, not as a topic for academical discussion or stump oratory, but as a basis for firm and decisive action, and in full view of its possible consequences. None but the stupid can have failed to observe, in the history of British-American relations, a singular alternation of equitable and aggressive dispositions toward the interests of the United States — the latter, unfortunately, manifested in times of our trouble or weakness. Germany and France are strong rival commercial and aggressive powers. Both are seeking outlying positions of future advantage for commercial and military purposes. He is greatly mistaken who supposes that the rejection of the imperial dynasty by France has changed in this respect the spirit of the French governing classes. The sentiment which still dominates there is love of glory, and glory in foreign acquisitions: witness the present wild campaign in Africa. The French nation has no permanent alliances: witness the discordant clamor for friendship to-day with England, yesterday with Austria, now with Russia, then with Italy, or with the Sultan. Her friendships remain so long as they are tributary to her interests or to her glory. The simple fact of her adoption of republican institutions in no way changes for the future her policy of commercial extension and acquisition.

How much longer is our unobservant Congress to shut its eyes to the sagacious extension of the commercial lines and positions of foreign countries? How much longer are we to continue blind to the demands for new markets for our already excessive and rapidly increasing production? How much longer fail to seize opportunities for the wider distribution of our manufactures? If we have no oceanic lines under our flag leading to and by the positions which European governments covet, with what argument shall we meet them when they seek to establish themselves there? They may say to us: "Certainly, you entertain a sentiment that you have, or ought to have, a greater interest than we possess in these places; but we show you our flag there, our steamers, our traders,—where are yours?"

Let us implore Congress and the Executive to release themselves, in part, from interior political struggles, and to remember that it is the duty of statesmanship to anticipate the future. The farmer and manufacturer plant before reaping their profit. The United States have hitherto, for many years, refused to plant at all. One million dollars saved from ineffectual

interior improvements, or added to that expenditure if their importance is insisted upon, will open several new lines and markets to our agriculture and manufactures. Without it, our surplus will soon roll back from the Atlantic coast upon the interior, and the wheels of prosperity will be clogged by the very richness of the burden which they carry, but cannot deliver. Without it, European interests will seize and monopolize the points of greatest future importance to our safety and our commercial welfare. There are islands, and bays, and ports, and lines of communication which it may yet cost us a war to save to our interests, but which could now be peacefully saved. The tradition against the policy of outlying possessions is, at this stage of our history, simply imbecile. It belongs to a country of few resources, timid and trembling in presence of some great naval power. We have passed that stage of our existence. We are rapidly utilizing the whole of our continental territory. We must turn our eyes abroad, or they will soon look inward upon discontent. Touching the two great oceans which divide the world, this republic should, like the Roman Janus, have two faces, regarding both Europe and Asia, and the islands interposed. It is the duty, alike of her political interests and her wealth, to connect the waters of the two seas which embrace her coasts, and then to keep the connecting waters bright with her passing keels. The Spanish nations of this hemisphere are still hardly opened to the enterprise of our people. For the most part they can only be reached under a foreign flag, though the United States were the first to recognize their independence, to aid their development, and to defend their rights under the menace of war. For sixty years we have asserted our special interest in this hemisphere. To-day what flag dominates in its harbors and along its coasts? The answer is humiliating. It calls for a change of our passive policy into one of action, knitting more and more closely our union with our sister republics, and opening wide the doors to the commercial activity of our people. Then shall we have irresistible arguments to sustain our non-colonization policy, and ample returns for our wise and beneficent enterprise.

JOHN A. KASSON.

THE DEATH PENALTY.

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The basis of argument for the death penalty against murder is found, along with the reason given for it, in Gen. v. 6: "Whoso sheddeth man's blood, by man shall his blood be shed; for in the image of God made he man." Nothing is plainer, by consent of the most accurate critics and scholars, than the translation and interpretation of this sentence. 1. The Creator is its author. 2. It is his benevolent statute for man's protection against the violence of man, because man is made in the image of God. 3. It being an acknowledged legal axiom that a law is in force while the reason for it remains, its universal and perpetual obligations are demonstrated. 4. The origin, institution, sanction, and right of human governments with penal inflictions are here determined by authority of the Creator, and not by any imagined compacts of mankind. 5. The nature and requisitions of justice, righteousness, equity, duty, expediency are in the terms of this legislation. The social obligations of mankind, and all governmental responsibilities, being referred exclusively to the will and word of the Creator, and the dictate of a conscience toward him, there is no other possible safeguard from men's evil passions. 6. The grasp of this law—thou shalt love thy fellow-creature, in God's image, as thyself—is upon all human interests, temporal and eternal, as revealed by God. Obedience to it would insure the highest and most perfect protection of all races in virtue and happiness. It is the very beginning of God's humane legislation for the new world, after a thousand

years' demonstration of incurable hereditary depravity in the old, and the consequent perversion and abuse of God's lenity toward Cain, filling the earth with violence. 7. Every state, being a trustee for God and the people, is bound to see to it that the people for whom God's whole law is promulgated are taught these truths, with the consequent sacredness of law and conscience toward God, were it only for the security of men's households and their own lives. If God's covenant with mankind had been kept conscientiously by mankind, there never would have been another murderer on earth from the time of the deluge to this day, nor even a religious persecutor. For God that made the world hath made of one blood all nations of men, and hath determined the times and bounds of their habitation, with this intent, that they should seek after God, and worship him in freedom, as being his offspring, who giveth to all life, and breath, and all things. And the powers that be are ordained of God, whose minister in an earthly government, prophetic of the divine, beareth not the sword in vain. 8. The death penalty was to be restricted to the crime of murder, and thence all penalties were to be graduated according to the offense, with the same unmistakable regard to the divinely constituted rights of family, character, property, and person, and the entire freedom and independence of a conscience toward God. With the same extreme of carefulness and exact justice, and for the perfection of its efficacy, the penalty was to be guarded from any possible mistake in its application through reliance on merely circumstantial evidence. Thus the legislation was as perfect as the benevolence and justice of God could make it.

Evidently there was required, in the foundations of a new social state, a penalty against murder to the last degree dreadful and deterring, fatal and final, with all the powers of human government ordained and pledged for its execution. God himself would make Cain's own dread of being murdered, through all men's sense of justice, inextinguishable, by having it established as the first law of humanity that, if any man destroyed another's life, his own life should go for it. And all the fiends of remorse, detection, and a righteous vengeance, with all the energies and vigilance of human selfishness itself, aghast with horror, should combine to arrest and exterminate the miscreant. This uproar of indignation and wrath was what Cain himself expected, when driven forth from the presence and protection of God.

The penalty is restricted to murder, though some crimes against personal rights are equivalent to murder, and produce it, and even worse, as, for example, slavery, and, in consequence, all the infinite horrors of the slave-trade. And, therefore, there shines forth, illuminating and illustrating the law against murder, like another sun risen on mid-noon, that other and later unparalleled Hebrew law in behalf of the enslaved: "He that stealeth a man and selleth him, or if he be found in his hands, he shall surely be put to death." This is the polarized light of the first penalty, crystallizing for all generations the meaning and insurance of the primal blood-statute; for no man in his senses will pretend that this grand edict of God's protecting and avenging mercy was never intended as a law, but was merely a prediction of the prevalence of legal murder. And so of the statute, in such absolute, imperative terms: "Ye shall take no satisfaction for the life of a murderer which is guilty of death, but he shall surely be put to death." (Num. xxxv. 31.) There was this insurance of the penalty laid upon every generation. It grew into one of the ever-present Eumenides in men's minds, as in the Book of Proverbs, "A man that doth violence to the blood of any person shall flee to the pit; let no man stay him." Hence, also, the careful and just definitions of what constitutes a murderer, and the requirement of witnesses as to the fact of the crime, evil intention being always essential, and mere circumstantial evidence not to be relied upon.

Malice aforethought once proved, the crime is demonstrated, and nothing shall save the murderer, not even the city of refuge provided by God himself for a just trial, nor the intervention of any pardoning or interceding power, nor the altar of God. "Thou shalt take the murderer from mine altar, that he may die." (Ex. xxi. 14.) If not, if the murderer is let off with his life, then the whole land remains guilty, and the blood of the murdered man crieth unto God from the ground; for the primal curse is on this crime against God's image in mankind, and no atonement or restitution can be made for it by man; none shall be accepted.

This is the secret of some of the most terrific tragedies of retribution by the Divine Vengeance otherwise so unaccountable, but as startling and warning for nations as for individuals. (See II. Sam. xxi. 1-14. See, also, the awful charge laid upon Solomon by David on his death-bed, II. Kings ii. 5, 6, 31, 33.) These are illustrative instances of that profound intuitive sense of the sacred-

ness of retributive justice, manifested by the inhabitants of Melita in the case of Paul. "No doubt this is a murderer, whom, though he hath escaped the sea, yet ἡ Δίκη—divine vengeance—suffereth not to live." This is the wonderful inspiration of similar classic utterances, so abundant, solemn, and familiar in the loftiest heathen tragedians and philosophers, whose beliefs in the providence of a just and righteous God were shared by these uncultured but thoughtful barbarians.

This law is the perfection of heavenly mercy itself, taking all right of revenge away from individuals and reserving the retribution for injuries as belonging to God's own attribute of impartial universal justice. The Sermon on the Mount is not more entirely God's law of love for all mankind than was the statute given through Noah for the whole world's good a covenant of divine wisdom for the education of the world in righteousness. It sets forgiveness in the heart of every human being, and proclaims revenge as murder. So the handwriting of God in the rainbow binding the storm was but the prophecy and prelude of that eternal melody in the song of the angels, "Glory to God in the highest, on earth peace, good-will to men," and of that celestial doxology, belonging to the perfection of all religion, in the worship of faultless prayer, "For thine is the kingdom, the power, and the glory, forever. Amen." As everything needful for mankind to ask is in our Lord's Prayer, so in that august, comprehensive transaction of God with Noah there was the perfection of all moral discipline, and just and peace-assuring criminal jurisprudence, by which men needed to be ruled on earth and educated for citizenship in heaven.

Thus, all retributive punishment, and all the securities and arrangements of God for it, are a concentration of all the lessons and energies of true moral discipline. All right training of the mind, the accurate tracing of consequences, an equitable connection of cause and event, and all disposal of awards, all retributions for guilt, must be grounded, first of all, in absolute justice. Otherwise, if utility alone were wisdom, and men the judges, the world's Caiaphases of expediency would become its glorified statesmen and saviours.

Now, the impossibility for any but an Omniscient Being to know and measure the absolute desert of every action, throws the whole power and right of governmental retribution upon the revealed authority and will of God, making government itself a

divine, paternal, protecting, educating institution, maintaining its permanence and right by a conscience in the people instructed toward God. The knowledge of God's law is in such education, securing obedience, independence, liberty, prosperity, and whatsoever things are true, honest, just, pure, lovely, and of good report. The God of peace is in and with such a socialism, and not the savageness and selfishness of the survival of the fittest. And this is the mighty educating power of law proceeding from the bosom of God as the Father of his intelligent creatures, and acknowledged and executed by human governments.

The efficacy of the penalty against murder can be demonstrated (1st) by restricting it to murder, and (2d) by making it immutable and certain. The man who murders another kills himself. When the most hardened villain is made sure of that, who will strike the blow? Make the penalty exceptional and inevitable, as it ought to be, and murder would be unknown under a government of infallible justice. The divine edict would be found of such deterring efficacy that the government would never need to execute it. The known certainty of the penalty would put a stop to the crime.

But the certainty that a murderer cannot at any rate be punished with death would inevitably increase the crime, presenting such a powerful temptation to murder in self-defense, during the commission of any other crime whatever. This would make murderers out of common villains. It would tempt the midnight burglar even to begin his work of robbery with assassination for security in the process, and then to complete it, double-locked from discovery by the death of all the witnesses.

The law of God says to the criminal, Become a murderer, and you are lost. The abolition of the penalty says, Murder, and you are saved. The removal of the dreaded penalty holds out an inducement so diabolical to the highest crime, that it seems incredible that any humane form of socialism should entertain it for a moment. You may save your own life, it says, by killing the witnesses against you. You can only be imprisoned, even if you kill; but if any one tries to kill you, you have the right to kill him. You may even escape condemnation, if tried, by the plea of sudden insanity, into which the threat of death and the desire to escape are affirmed to have driven you.

Kill, and you may be defended, even by charge of the judge, and verdict of the jury, on the ground of sudden, irresistible frenzy,

or delirium from intoxication, and therefore not punishable. But the stealing of a million dollars is never thus protected; a well-planned burglary, never. Therefore the assassin has the advantage. The killing of the owner of the money may be a sudden madness; it may be even argued that it was accidental, or in self-defense, without intention to kill, and therefore not punishable: see the trial of Webster, for the murder of Parkman; also the case of Colt. If the owner had chosen, he might have saved his life by the sacrifice of his property, and so prevented the murder. By attempting to defend his property, he has compelled the burglar to become a murderer, because that crime was the safest—an insurance against punishment, all things considered, having made it profitable.

Thus, but too surely the abolition of the death penalty would offer a recompense to the highest criminal sagacity and boldness. And the more hardened the criminal may have become, through the laxity of law and the absence of any appeal to conscience and to God, the more the law defends him, in case of any midnight conflict; and he knows this beforehand, and reasons accordingly. If he breaks into a house, and stabs its sleeping owner, that he may not testify against him, his victim is abandoned by the law to the death-blow of the murderer, who secures his own life by taking that of the sleeper, while the assassin is as effectively protected as if a reward of his ferocity had been guaranteed.

Then, again, the moment the murderer is being tried for his life, the sympathies of the public and the press are moved in his behalf, so that even the sternest jury feel the impulse; and, if they convict, extenuating circumstances are pleaded; and even if the murderer is sentenced, petitions for reprieve, for a new trial, for pardon, for commutation of the punishment, are gotten up, and powerful reasons of humanity are urged, which, if resisted by the Governor, bring upon him and upon the law itself the accusation of being the actual murderers.

And the more effectively God's law and a future final retribution are denied, or obscured in the murderer's consciousness, by his never having heard of these truths in the common schools through which he graduated, and by the legal and social habit of denying the authority of the Scriptures and of God over both government and people (a habit which the exclusion of positive religion from the state, its constitutions, and its schools, fosters from childhood), the more rational and righteous it appears,

in his own view, to take care only of himself, no matter what becomes of others. He has never been taught that God requires murder to be punished by death, much less that there is an endless retribution, in another world, for crime unrepented of in this.

Had the state done its duty in his education, he would never have been a murderer. It is moral assassination by the state to have let him grow up in such brutality. A law so benevolent and illuminating as that of God against murder, with its very reason grounded in the immortality of man and his accountability to God, and his obligations of love to his fellow-man in God's image, binds the government to teach its whole meaning, and to proclaim it with all the light thrown upon it from God's successive revelations, from the precedents broadening down through ages, and from the final teachings of Christ. Government, in assuming the authority to punish, is bound to flash the whole lightning of the statute to the uttermost depths of society, till its divine meaning penetrates the entire mass.

To withhold such instruction, and thus educate the masses in ignorance both of God's claims and care, and then and thus to apply the penalty of death for crime, is at once such contempt of God, and such a process of cruelty and despotism against man, as would make government an agency of perdition. The acknowledgment of responsibility to God for the protection of human life, and for the enlightenment and freedom of the conscience, is incontrovertibly, therefore, the duty of all governments. Law is thus enthroned in God, and God in law; and the state, for insurance of its own permanence and usefulness, must wear its appointed seal and robes of majesty as "a power ordained of God," proclaiming that it maintains an authority received from God, by the enlightened conscience of its citizens toward God. This is the only perfect security for human freedom. The law, without such education of the people, and without the appeal to God, becomes a defiance and violation of his will. Its efficacy depends on its divine sanction being taught, and necessitates that teaching by the State. How otherwise can any government be honest, or any of its penalties just, humane, and reformatory?

Immediately after the dreadful murder of our revered and beloved Lincoln, President Garfield, then a member of the United States Congress, delivered in New York an address on the duty of the Government and people, closing with these memorable words: "Love is at the front of the throne of God;

but justice and judgment, with inexorable dread, follow behind. This nation is too great to look for mere revenge; but for the good of the future I would do everything."

In the United States, amidst increasing perils from the socialism of ignorant masses, annually multiplying by millions; with all conflicting infidel speculations and political theories, from Nihilism to Mormonism, let loose, and sensual and intoxicating habits unrestrained; with the suffrage universal, and violent factions, and strifes for office, gain, and power universal also; with scientific dynamites of revenge inviting every disappointed villain's handling—the proposed abolition of the divine law against murder would be more inhuman, reckless, and unjust than it would be to make a breach in one of the dikes in Holland, letting in the sea. God proposes to abolish the crime; man to abolish the penalty. God seeks our deliverance from sin; man our evasion of its consequences. Self-government under God is heaven. Self-government without God is anarchy and hell. Which will we choose?

GEORGE B. CHEEVER.

MR. HAND.

THE dispute as to capital punishment is, at the present time, narrowed down to the point whether it is permissible, justifiable, and expedient for the sovereign power, in any case, to punish the crime of murder by inflicting death upon the murderer.

Of the opponents of capital punishment, some deny the abstract right of government deliberately to destroy a human being, under any circumstances; some, without questioning the right, deny that a past and irremediable offense of any sort will justify such action; and others deny the expediency of the punishment for murder or other crime.

The theory once so generally received, that men, originally in a state of nature, voluntarily entered into a social compact, yielding some of their natural rights in return for protection, and that this was the origin of government, is now exploded, and it has been shown by the historical method, applied to social science, that social and political organizations have quite other beginnings. It seems to be quite needless to discuss the question of the natural, inalienable right of an individual to his life, not

inforfeitable, and over which government can acquire no control. It is necessary to be conceded not only that the individual may, by conduct absolutely inconsistent with the public safety, forfeit his life to the sovereign, but that the sovereign may call even upon the blameless citizen, to sacrifice his life for the common good and in resisting the public enemy.

The question, therefore, of capital punishment for murder is one, not of power, but of justice and expediency. I, for one, believe that for that crime such penalty is necessary, justifiable, and expedient, and should be retained.

For many centuries, indeed, in all the principal nations of Europe, the death penalty was inflicted for various grades of crime against property as well as person, and, especially in England, for those even of trivial character. But now, in most of the civilized governments of the world, that punishment has, with rare exceptions, been reserved for willful murder—the deliberate and malicious destruction of a human being. As I have said, this penalty for such crime I think is necessary and proper, and should be retained.

Those who are opposed to capital punishment may properly rejoice that, in the last hundred years, so large a domain of lesser crime has been freed from the terrible punishment of death. The urgent reasons for the abolition of the death penalty in the case of crimes against property, and even most of the serious crimes against the person, when not accompanied with a murderous intent, are abundant, but are certainly not applicable to the crime of murder. These bloody laws were justly repealed as in violation of the fundamental principles of penal legislation established in modern times. They violated the principle that absolute necessity should alone authorize the destruction of mankind by the hand of man; that it is manifestly just that punishment should be graduated according to the enormity and malignity of the crime; that to apply the extreme penalty to all grades confuses the public mind as to the atrocity of the misdeeds themselves; that the disproportion of the punishment to the offense arouses pity for the offender, and creates indifference to the offense, and hence gives impunity to crime and contempt for the law; and that the infliction of the same punishment for stealing a shilling and for murder tends to lessen the horror and aversion naturally felt for the convicted perpetrator of the latter.

Surely, to punish with death, as was done in England before the reform of its penal laws, the association with gypsies for a month (see statutes of the fifth year of Elizabeth's reign, chapter ten), the writing an anonymous letter demanding money (see statutes of ninth George I., chapter twenty-five), the stealing of goods to the value of a shilling, the doing malicious damage to Westminster bridge, and other like offenses, is not defensible upon the same ground as the punishment of the awful crime of murder by the same penalty. And it cannot be contended that the repeal of the death penalty as to all crimes of a lower grade —a penalty, if inflicted at all, unquestionably to be reserved for the gravest offenses, and obviously disproportionate to any other —affords any argument for its abolition in all cases, however atrocious. The general gradual amelioration of the penal laws in Christendom for years past, and the substitution of other lesser punishments for the capital one, cannot, therefore, of themselves be insisted upon as an argument for total abolition of the latter.

I have had no opportunity to see the contributions on that side of the question in the present conference, and, of course, cannot anticipate whether such an argument may be adduced. It has, however, sometimes been used, and the mere partial abolition for the lesser crimes has been urged with some effect in persuading the public that "hanging for murder" was a remaining relic of barbarism existent in these modern days, and stood a last incongruous and monstrous monument of the illogical ferocity of our ancestors in applying death as the invariable punishment for offenses of every grade.

Aside from the suggestions already made, another answer to this argument may be drawn from the Scriptures. For, by an injunction to Noah and his family, the progenitors of the human race, given after the deluge, it was divinely commanded that "whosoever sheddeth man's blood, by man shall his blood be shed." This solemn sanction for punishing murder with death certainly is wanting as regards all other crimes.

Indeed, this argument has a much larger application. It is impossible to see how, in the minds of those who believe in the divine character of this record, in its absolute verity and its obligation binding upon humanity for all time, this command does not put an end to the dispute, and render further debate useless. Unlike many provisions to be found in other parts of the Penta-

teuch promulgated as parts of a penal code for the government of the Jews, here is nothing local, nothing temporary, nothing merely regulating the conduct of a particular nation under peculiar circumstances and in a particular country. It was not intended for nor addressed to any particular tribe or people, but was a solemn compact with the new father of the human race, expressly commanding and binding him and his descendants, in all times and countries, to punish the murderer with death. It was a decree necessarily *semper, ubique, omnibus.*

Similar injunctions to the Jewish people, referred to in the opening paper of Dr. Cheever, might repeat it in language more precise, but could not enlarge or intensify its obligation upon all men. It was the first great universal *law* promulgated to the world.

But that we deal, in these days, with a generation inclined to look with scant credulity upon the book of Genesis, its deluge, its ark, and its Noah, must be confessed. By some, at least, of the opponents of capital punishment, arguments other than the divine law announced to Noah, and its binding force on the world, will be demanded. By them, its authority will be denied, its application to modern society perhaps scouted, and its punishment for murder likened to the Old Testament punishment for witchcraft.

To these objectors it may be said that there are sufficient reasons for the punishment of murder by death in the nature of the crime and the necessity of the case. Something, indeed, should be allowed to the general usage of all civilized peoples. It creates at least a favorable presumption. The barbarous Frank, Saxon, or Goth valued human life in money. A murder was redeemed by a fine. The civilized Englishman, Frenchman, Italian, and Spaniard punish it with death, and for that crime have steadily retained that extreme penalty, while abolishing it in many other cases. With civilization came the idea of the enormity of the offense and its danger to society. From the moment the notion of a crime against the government rather than a mere injury to the family of the murdered man was formed, the necessity of the death penalty was recognized.

But, passing this suggestion, obviously, the first duty the sovereign (whether a monarch or the sovereign people) owes to the

citizen is the protection and preservation of his life from violence. In the absence of such protection, the peace and the order necessary to the social existence must disappear, and the security of the individual, indispensable to all social progress, is at an end. It follows that every safeguard and preventive possible in the nature of the case to be provided against the crime of murder, it is the manifest duty of the government to provide.

Within certain limitations, it may be laid down as generally true, that the legislature is justified in the infliction of any degree of severity necessary for the prevention of this great crime. Such severity is manifestly but a measure of self-preservation. The prevention of all crimes should be the main (although, as I suggest below, not the only) object of the lawgiver. But, as to murder, it is an object necessary to the very existence of society, that its total prevention should be measurably attained.

The punishment of death is unquestionably the most powerful deterrent, the most effectual preventive, that can be applied. Human nature teaches this fact. An instinct that outruns all reasoning, a dreadful horror that overcomes all other sentiments, works in us all when we contemplate it.

> "The wearied and most loathed worldly life
> That age, ache, penury, and *imprisonment*
> Can lay on nature, is a *paradise*
> To what we fear of *death*,"

says Shakespeare.

The ancients exercised a horrible ingenuity in punishments. They inflicted crucifixions, flayings, burnings, boilings, impalements, scourgings, exposure to wild beasts, and other tortures, which exhausted the invention of men; but that death was the final end of each gave even these their most awful terror. They shocked decency and humanity, and were, besides, useless refinements of cruelty, as preventives of crime, since the mere death of which they were the means outweighed all other horror. Take away that, and they were but temporary pains.

It has been found, by the experience of many nations and many ages, that death alone impressed the imagination of the people, and alone carried so vivid a horror, as to check the malignant passions and the deadly hand of the murderer.

It has been sometimes objected that facts do not bear out this assertion; that where the capital penalty was abolished, the

crime of murder did not increase; that as its abolition in England as a punishment for theft and other lesser crimes did not result in an increase of those, the same is found to be the consequence of total abolition. The space allowed me here does not permit a discussion of the statistics collected on this question. Suffice it to say, that the results, as shown from the reliable records, do not sustain so paradoxical a proposition. It would be in direct contradiction to the ineradicable instincts of humanity, if it were so. The loss of life is universally and instinctively dreaded beyond all other calamities by all classes of men—the rich and poor, the upright and vicious, the learned and ignorant alike; it is incredible that its certain infliction as the inevitable consequence of an illegal act would not have the supremest influence in preventing that act.

It may be true that communities are found, naturally law-abiding and tranquil, where capital crime is absent, although no death penalty exists; and again, that there are turbulent communities where murders are more frequent, although the laws are nominally severe. But it cannot be claimed, unless the laws are enforced, that such facts offer any argument. There can, of course, be no prevention of crime by the fear of death among a people where crime is rarely punished at all. Death, although pronounced in the statute book the punishment for murder, can have no terror for murderers when it is never inflicted. A known *brutum fulmen* can have no effect except to excite contempt.

This punishment is the only sufficient preservative to society; but to preserve, it must be inflicted. The convicted murderer cannot, of course, by his cutting off restore the murdered man to life, nor prevent the crime which he has already committed, but the certainty that such awful punishment will inevitably follow such crime is the preventive influence. If, as is unfortunately and disgracefully the case in certain sections of our own country, the crime of murder is hardly ever followed by a judicial execution, if the occasional lawless destruction of the murderer without trial is the only punishment he need fear, and depends wholly upon the mere chance momentary excitement of the community collected as a lynch-law mob, death, whatever may be the words of the statute book, is *not* there the actual punishment of murder, and, of course, the fear of it cannot operate to deter the would-be assassin.

Comparisons of such communities, where the death penalty is decreed by law but scarcely ever executed, with more quiet States, may permit a deceptive argument, but are certainly not proof against the efficiency of capital punishment. The question is whether a punishment, reasonably certain to be the result of an offense, will deter from its commission—not whether, in a lawless community, a law never enforced can be effective as, in itself, a scarecrow.

But it is said that, even in law-abiding communities, murderers escape justice because of the reluctance of the tribunals to impose an irremediable and irrevocable punishment. To some extent this is true; to the extent that there never should be conviction of a capital offense to which so awful a punishment is necessary, except in the clearest case, it ought to be true. But in most of those trials where an acquittal has been a clear failure and mockery of justice, it will be found that the juries have refused to find any guilt, although a verdict of manslaughter, punishable only with imprisonment, would have been entirely legal. In fact, the cases were those in which the mind of the tribunal was so warped by some prevailing prejudice or sympathy, that their verdict was against the fact and the law, and would have been so, whatever were the penalty of conviction.

Indeed, an answer to these objections is furnished from actual experience, by the example of a great nation. In no country, since the reform of its criminal law, does the capital punishment more certainly follow the offense than in England; in no other country do juries more implicitly obey the law, and, in clear cases, find the murderer guilty, in disregard of all passing public excitement. And in no other country has human life become so safe, so sacred, and so completely protected. It contains a population who are subject to the most violent and brutal passions; immense inequalities of wealth and poverty afford strong temptations to crime; and yet, by the certainty of the death penalty, the crime of deliberate murder is, more perhaps than in any other country, completely prevented.

But it is objected, why were not theft and robbery extirpated there when the same penalty was applied to them, and why have these crimes not greatly increased since the abolition, as to them? The answer I have already suggested. The sense of justice was shocked by the discrepancy between the comparatively trivial crime and the disproportionate punishment. For that reason,

judges and juries vied with each other in dodging the letter of the statute, and mitigating the punishment, and the law became almost a dead letter.

But it is sometimes said, "To hang a man is a very poor use to which to put him." If the sole object of government is to deal with a red-handed murderer as "an erring brother who has sinned from ignorance, but is to be pardoned, elevated, and redeemed"; and to aim solely at his welfare, this saying is, I admit, puzzling. If no regard is to be paid to the public safety, except in the correction and amelioration of the murderer as one of the public; if the only purpose to be considered is the instruction of the poor fellow by suitable teaching, so that, perchance, he may be taught and persuaded "not to do so again," this saying has some force. But, even then, the substitutes suggested by the abolitionists do not avoid the difficulty. Perpetual imprisonment is hardly a more profitable use to be made of a man than hanging him, and such use for a hardened villain is perhaps somewhat more unprofitable to an overtaxed community than fairly putting him out of the way at once.

But this sentimental view of the criminal is a vicious one. The writings of Victor Hugo, and others of like tendency, have done much to foster it, and it is, in the present time, dangerously weakening the sinews and paralyzing the arm of justice throughout the world. Carlyle thus vigorously sums up the case:

> "A scoundrel is a scoundrel; that remains forever a fact; and there exists not in the earth whitewash that can make the scoundrel a friend of this universe; he remains an enemy, if you spent your life in whitewashing him. He wont whitewash; this one wont. The one method clearly is that, after fair trial, you *dissolve partnership* with him; send him, in the name of Heaven, whither he is striving all this while, and have done with him."—*Essay on Model Prisons.*

I have already suggested that prevention, although one, was not the only purpose of the infliction of penalties.

If prevention was the sole object to be sought, in disregard of all other considerations, some strange consequences would result; and there would be no limit to any severity, if found effective, to deter from crimes even of the lighter grades. Attainder of blood, confiscation of property, would become justifiable. Indeed, the doctrine, certainly unsound, of Justice Blackstone (Commentaries on the Laws of England, Book IV., pages

16 and 240), that the severity of the law may be in proportion to the ease with which offenses are committed; and that "it was but reasonable that, among crimes of equal malignity, those should be most severely punished which a man has the most frequent and easy opportunities of committing—which cannot be so easily guarded against as others, and which therefore the offender has the strongest inducement to commit," would be difficult to deny. Petty larceny is a crime "the least easily guarded against," and which the offender has the "strongest inducement to commit," and therefore, with a view to prevention alone, might be visited with the severest penalty.

In truth, there is inherent in all punishment for crime the idea of executing justice, of rewarding the offender according to his misdeeds. It is an idea entirely separate from and independent of any notion of prevention, or even of public safety.

"Vengeance is mine and I will repay, saith the Lord," but vengeance—righteous vengeance—is the right and duty of the state. The state is, in this respect, the representative of the Divine Governor. To it, the sword of justice and retribution is delivered. By it, it must be wielded.

Capital execution upon the deadly poisoner and the midnight assassin is not only necessary for the safety of society, it is the fit and deserved retribution of their crimes. By it alone is divine and human justice fulfilled.

This is the crowning and all sufficient ground for the destruction of the convicted murderer by the civil power.

Although it should become absolutely impossible that any president of the United States should hereafter be assassinated; although it could be demonstrated that the death of the assassin was, as a measure of prevention merely, absolutely needless; although the sentimentalists should cry out that the murderer was a hardened villain, as unprepared to die as Barnardine, "who apprehends death no more dreadfully, but as a drunken dream, careless, reckless, and fearless of what's present or to come," and that years were needed to instruct and ameliorate him—would not the heart of every sane citizen in the republic feel that the crime must be expiated by the last punishment, and that until this was done, a solemn duty of the state was neglected, and "the voice of blood would cry from the ground" for justice? Passion, prejudice, devilish revenge there must be none. The individual is presumed innocent. The law proceeds calmly,

impartially to investigate the fact. But if, after fair trial, after clear proof, he stands convicted, then let him meet the just deserts appointed by eternal justice for such as he.

The law wages no war upon any citizen. It imposes a fit retribution only upon the cold-blooded villain who has malignantly destroyed a human being. Its blow falls upon him only who has been found by legal trial and declared by a legal judgment to be such a villain. Its act is far from all passion, all mob violence. It is the effect of a holy, just indignation, not hot or temporary, but abiding and eternal.

Government is a trust, and there can be no higher exercise of that trust than the cutting off, in open day, before high heaven, solemnly and with deliberation, the man proved unworthy of a longer existence among his fellows.

SAMUEL HAND.

MR. PHILLIPS.

I AM glad to join in any debate with so earnest and brave a soul as Dr. Cheever—a man trained to the severest logic; every one of whose words comes from the depths of stern and conscientious conviction—a prophet who, in perilous times, and at great risk, prophesied right things, not smooth things, to a rebellious people. He is no carpet knight, and debate with him is no sham fight.

Late events have intensified the interest in this question, and directed public attention strongly to it. This, then, is the God-given opportunity for correcting wrong opinions and impressing right ones; the minds of writer and reader are both hot, and every argument suggested welds itself into the public thought with solemn and effective power, food for deliberate reflection in cooler moments. To get men to listen is half the battle, and the hardest half, in all reforms.

If any one, at such a moment as this, doubts the correctness of public opinion on capital punishment, now is the hour, above all others, for him to utter his protest and enforce his views.

The word *punishment*, capital or any other, when used in reference to human government, is a mistaken and misleading term. Punishment has relation to guilt. Only that power, there-

fore, which can measure guilt is competent to affix penalty and to punish. As Dr. Cheever says: "All penalties were to be graduated according to the offense"; "retribution for guilt must be grounded, first of all, in absolute justice"; and he admits the "impossibility for any but an Omniscient Being to know and measure the absolute desert of every action."

"It is from an abuse of language that we apply the word *punishment* to human institutions. Vengeance belongeth not to man" (Eden, Princ. of Penal Law).

Of course, no human official can measure the strength of inherited tendency toward any act, criminal or any other; the power of temptation, the moral and intellectual training of the individual, or of the community and age in general, which go so far to form the moral sense of a man and educate his conscience; the circumstances, in fact, which aggravate or lessen criminality. Only Omniscience knows these. Yet these make it a fact that one man may commit murder with less moral guilt, in the eye of God, than another steals, or lies about his neighbor.

It will relieve some of the difficulties of this question if we rid ourselves of this idea of punishment, so far as human governments are concerned. Human governments are only authorized to restrain and chastise an offender, with the purpose and motive of preventing the recurrence of the harmful act he has done. To prevent the individual from repeating his offense, and to deter others from following in his steps—these are the only ends which human government can rightfully have in view. Governments are authorized to inflict pain in order to prevent evils, not with any idea of punishing guilt. Until human government has the plummet of Omniscience to sound the depths of the human soul, its weakness and its wickedness, its too ready yielding to temptation, or its vain effort to resist it—until then the attempt on its part to punish guilt is idle, because out of its power, and criminal, because sure to make it work injustice.

"Punishment," said Dr. Cheever, in his "Defense of Capital Punishment," printed in 1846, "is sometimes called for apart from the question whether it be useful or not"; and "There is such a thing as retributive justice, apart from the purpose of security against crime, or the necessity of the guardianship of society and the universe." And Theodore Frelinghuysen affirms that "the culprit is doomed to suffer because he deserves to suffer."

Such statements as these have their proper place in the pulpit

and in discussions touching the moral government of the universe. But they mistake entirely the limited ability and authority and the proper function of human governments.

The statute of Pennsylvania, 1794, well says: "The design of punishment is to prevent the commission of crimes, and to repair the injury that hath been done thereby to society or the individual."

With a more Christian philosophy than that which underlies the remark of Frelinghuysen, the pagan Seneca says: "*Nemo prudens punit quia peccatum est, sed ne peccetur*"; or, as Judge Buller once roughly translated it: "Prisoner, you are not hung for stealing this horse, but that horses may not be stolen."

With this view of the purpose of punishment all the great writers on penal legislation agree,—Franklin, Beccaria, Bentham, and others,—and all those who have discussed this special question,—Montaigne, Livingston, Rantoul, Romilly, Brougham, Montagu, Cobden, and the rest. As Wordsworth sings:

> "Fit retribution, *by the moral code determined*,
> Lies beyond the State's embrace."

But it cannot be denied that New England and the States planted by her sons ignore this principle, and punish murder with death, chiefly because men believe they are ordered so to do by the Old Testament, in that verse of the so-called covenant with Noah usually translated: "Whoso sheddeth man's blood, by man shall his blood be shed." (Genesis ix. 6.)

For myself, I am free to say that I think this whole covenant refers exclusively to food, and the verse just quoted, with those which precede it, is a prohibition of cannibalism—nothing more.

But, waiving this, let me submit:

First. The theory of government, as universally held in this country, is that government is a "social compact,"—"a voluntary association of individuals." Therefore, as an individual has no right to take his own life, he cannot confer on government any right to take it. Indeed, M. Urtis—who published in Paris, in 1831, a very able defense of capital punishment—grants its opponents that, if he allows government this right, he is logically obliged to admit the right of suicide.

This principle, however,—that society has no right to take life as a method of punishment,—is the opinion held by Lafayette, Gilbert Wakefield, J. Q. Adams, Franklin, Beccaria, and

many of the ablest writers on social science. Without insisting on it, at this point of our argument, it is fair to claim that on so momentous a question any supposed command to the contrary should be unequivocal, positive, clear, and abundantly proved.

Dr. Cheever acknowledged years ago that this Scripture proof was "somewhat limited, though plain and powerful." Almost its whole strength rests on a single verse, of very questionable meaning. Of this passage (the verse just quoted) Dr. Cheever said: "It is the citadel of our argument, commanding and sweeping the whole subject."

Now this verse, upon which such momentous powers are rested, may, all scholars allow, be equally well translated "by man *will* his blood be shed," making it merely a prophecy, as "by man *shall* his blood be shed," making it a command. So that, as THE NORTH AMERICAN REVIEW thirty years ago suggested, this tremendous power claimed rests, not only on a single verse, but on a single word, and that word equivocal in its meaning.

Again, our translation says, "*by man* shall his blood be shed." But "no version of the Bible prior to the fifth century contains the words 'by man,' and Scripture itself has been interpolated to suit the purposes of the state." ("Eclectic Review," July, 1849.) The Septuagint and the Samaritan versions omit these words; Wycliffe also, and the Vulgate; Spanish, Italian, and French versions omit them. Pascal and Swedenborg indorse the omission, and Calvin calls the translation which renders the Hebrew text "by man," a "forced" construction.

If these authorities are relied upon, the verse will read: "Whoso sheddeth man's blood, his blood will (or shall) be shed," and the idea of a command becomes more uncertain and shadowy still, since "shall" in such connection is not necessarily a command. For instance: "All they that take the sword shall perish with the sword." Is this a command to kill all soldiers? "Bloody and deceitful men shall not live out half their days." Are such bidden to kill themselves? "Whoso diggeth a pit shall fall therein." Is this a command?

Call this equivocal verse in Genesis a warrant from the Almighty! Why, a county sheriff would not arrest a sheep-thief on so ambiguous a warrant.

Second. But the contemporaneous understanding of a law is of the highest authority. Now if this verse be a command, that every murderer shall die, it is remarkable that neither did he who gave

it conform to it, nor did any of his creatures obey it, in the most striking instances of murder that have taken place. Cain was a murderer at a time when the idea of a murderer at large and unrestrained, in a world with very few inhabitants, must have been fearful. Yet God allowed him to live. Lamech, also a murderer before the flood, was spared. After the flood, Moses, a murderer, was admitted to the immediate presence of the Highest, and David, the most atrocious of murderers, was still the "sweet psalmist of Israel," dying in "a good old age, full of days, riches, and honor." Indeed, all the great murderers in Jewish history—Absalom, Simeon, Levi, and the rest—did not have their "blood shed," but died in battle or in their beds.

Third. The most ardent advocate of capital punishment, as said to be ordered by this covenant with Noah, does not, and never would, undertake to obey it. No civilized government would obey it, or ever did. For if this be a law of God, binding on all men, in all ages and in all circumstances, then it admits of no change and no exceptions.

This command, if it be one, was given before governments existed—given then to individuals. The nearest of kin—"the avenger of blood," as the Old Testament phrases it—was to execute this sentence of death—as he usually did in ancient times, and especially under the Jewish law, where Moses recognized his right to do so. It is, then, the duty now of the nearest of kin to avenge the killing, without waiting for the action of any government, which can never release an individual from obeying a command of God issued to him. We are not allowed to substitute another in our place to carry out an order which the divine law issues to us. Nothing can excuse us from personal obedience. And especially if government acquits the man whom the nearest of kin considers guilty, which is so often the case, then the "avenger" under this law must act on his own conscience, and do the duty which government has failed to do. Where can we find any warrant for saying that now, since government exists, the "avenger" is released from a duty which this solemn command of God laid on him? Even Moses, much as he changed old customs, did not take from the "avenger" this right to slay. Hence, what we call "lynch law" becomes a religious duty and a divine ordinance.

Further, we must kill every beast that kills a man; we must, as the Jews now do, kill all animals in such manner as to avoid

eating "blood." Even the apostles, when they released the Gentile world from the heaviest of Jewish burdens, still insisted on their obeying this part of the Noachian covenant, to "eat no blood." Yet Christians have quietly ignored it, and the apostles' indorsement of it also. But the command to shed the blood of the man-killer is no more sacred a part of that covenant than this of "eating no blood." And yet any man who preached the observance of such nicety to-day would be laughed at.

Any man who kills another by accident, without intention to harm him, must be killed. No matter what be the extenuating circumstances of any killing, no man or government is authorized to pardon, but the strict law must be fulfilled in every case, and in all circumstances; the soldier who kills another in war must die; the insane man who sheds blood, and the man who in self-defense kills his assailant, forfeit their lives, etc., etc.

Do you object and say, "Oh, no; we must construe the command, not as it was construed then, but as the circumstances of our day and our light demand"? Exactly; well, we will meet you on that ground, and cheerfully give the supposed command all the weight in present legislation which we think it ought to have. Do you remind us that Moses allowed one who had shed blood accidentally, or without malice, to flee to a city of refuge—and as long as he staid there the "avenger" could not harm him?

Very true. Moses then felt justified in making exceptions to this command, if it were such; after the lapse of a thousand years, and when change of condition and established government, and improved civilization, allowed it.

Moses set us a good example; and now, after thirty-five hundred more years of growth, and a still more entire change of condition, and far greater improvement of civilization, and the opening of a new dispensation, which abrogates the "eye for eye, and tooth for tooth," we take example by the great Hebrew reformer, and conform methods to our day and needs, seeking only to keep sacredly to the idea and spirit which underlie the wise and humane records of inspiration.

When any supporter of capital punishment, on the ground of the Noachian covenant, eats no beef except that which is killed according to the present Jewish method; insists on the slaying of every animal that has caused a man's death; and on the killing, by government or the avenger, of every man who has even accidentally killed his fellow, I shall think he really and honestly

believes in the argument he uses. I never found any such man. Until I do, I am forced to believe that such disputants deceive themselves, and imagine that they cherish such a faith; but any endeavor to carry it into action would rouse their contempt or their heartiest indignation.

Fourth. The moment we quit the plane of divine command, and come down to the level of human law, the argument assumes an entirely different shape. The first question is, has the police power in any circumstances, or for any reason, the right to take life? We may say, with Beccaria, Fayette, and Franklin: "The power over human life is the sole prerogative of him who gave it. Human laws, therefore, are in rebellion against this prerogative when they transfer it to human hands."

Or even with Blackstone, a much narrower and more timid mind: "Life is the immediate gift of God to man, which neither can he resign, nor can it be taken from him, unless by the command of him who gave it."

But this argument is too large for our narrow limits. Any one interested in it can see the subject exhaustively discussed, and the right denied for the soundest and strongest reasons, in the essays of Franklin, Beccaria, Livingston, Burleigh, Rantoul, and O'Sullivan.

Even those who claim that government does possess the right, have been driven by stress of argument and the most convincing experience to agree with Dr. Cheever, that the death penalty should be "restricted to murder"—not, as in centuries gone by, be visited on trifling offenses, from a mistaken idea that mere severity of punishment prevented crime. But even if we restrict the punishment of death to murder alone, when we remember our experience that the infliction of the death penalty nourishes the spirit of revenge, demoralizes the community (a fact confessed by the now almost universal custom of private executions), lessens the sacredness of human life, largely prevents the prosecution and, to a great extent, the punishment of crime, it becomes evident that you must prove the death penalty absolutely necessary before government is justified in using it. No amount of expediency will authorize "breaking into the bloody house of life" at the risk of such evil results. The opinion of old Sam. Johnson, that unnecessarily severe punishment "very rarely hinders the commission of crime, but naturally and commonly prevents its detection"; of Chief-Justice Denman, that extreme

severity has "operated more as a preventive to prosecutions than as a preventive to crime"; of Whately, that the punishment which a community deems too severe leads the very sufferers by a crime "to promote the escape of the guilty,"—all these testimonies get fresh support from the memorial of the Attorney-general of Massachusetts to the Legislature in 1842, when Massachusetts punished only six crimes with death:

"In the present state of society it is no longer an abstract question whether capital punishment is right, but whether it is practicable; and there is good reason to believe that the punishment of death for crime would more certainly follow the commission if the Legislature should still farther abrogate the penalty of death. As the law now stands, its efficacy is mostly in its threatenings; but the terror of trial is diminishing, and the culprit finds his impunity in the severity which it denounces."

Now, that capital punishment is not absolutely necessary for the protection of society, in almost any epoch of civilization, is proved by the amplest testimony. Egypt, for fifty years during the reign of Sabacon; Rome for two hundred and fifty years; Tuscany for more than twenty-five years; Russia for twenty years of the reign of Elizabeth, and substantially during the reign of her successor, Catherine; Sir James Mackintosh in India for seven years; the State of Rhode Island since 1852; Michigan since 1847; Wisconsin; Maine since 1835; Holland since 1870; Saxony since 1868; Belgium since 1831; and several other states, prove, by their experience, that life and property are safer with no death penalty threatened or inflicted, than in the neighboring countries which still use the death penalty. The evidence is ample and the demonstration perfect; the plea that this fearful penalty is necessary is no longer admissible. Facts annihilate its foundations. And observe that every such experiment has succeeded. The weight of this evidence is not lessened by the necessity of balancing some failures against other successes. All the tracks lead one way. And if not absolutely necessary, the death penalty must be extremely injurious. All experience confirms the universal judgment of those who have studied this subject, and which Rantoul utters when he says, "The strongest safeguard of life is its sanctity; and this sentiment every execution diminishes." Indeed, unless the death penalty can be shown to be absolutely necessary, it has been well said that society, in inflicting it, commits a second murder.

The number of persons sent to execution by the courts, and afterward proved to be innocent, has been counted by hundreds in Great Britain, and must probably be counted by thousands, taking in even only the civilized states. When we add those probably innocent, but never clearly proved so, and thus run up the number to tens of thousands, what fearful power such a fact gives to the protest of Lafayette: "I shall persist in demanding abolition of the punishment of death, until I have the infallibility of human judgment demonstrated to me."

"A few such instances, even, in a century are sufficient to counteract the best effects that could be derived from example. There is no spectacle that takes such hold on the feelings as that of an innocent man suffering an unjust sentence. One such example is remembered when twenty of merited punishment are forgotten, the best passions take part against the laws, and arraign their operation as iniquitous and inhuman. This consideration alone, then, if there were no others, would be a most powerful argument for the abolition of capital punishment."—*Livingston.*

The "terror argument"—the idea that any punishment, capital or any other, deters men, in any useful or appreciable degree, from the repetition or imitation of crime—is discredited by the best authorities. In a remarkable correspondence, forty years ago, between Lords Brougham and Lyndhurst, it is assumed, on the authority of all the police magistrates of Great Britain, that this idea of terror from example is a delusion, and that the expectation of relief from that influence must be abandoned.

Analyzed to its last result, this attachment to the death penalty will be found, in most cases, to be really a feeling of revenge. All close inquirers find it to be so. Livingston records a remarkable confession of it made to himself. Sir H. S. Maine says (in his "Ancient Law"): "There is a time when the attempt to dispense with it [*i. e.*, the death penalty] balks both of the two great instincts which lie at the root of all penal law. Without it the community neither feels that it is sufficiently avenged on the criminal, nor thinks that his punishment is adequate to deter others from imitating him."

When we remember that it has been proved, by the most abundant and trustworthy evidence, that "the greater proportion of crime is the result of poverty and early privations"; that the wisest experts agree that "in by far the greater proportion of offenses crime is hereditary"; that one-half, perhaps two-thirds, of those who take life are flagrant instances of society's gross neglect in educating the souls God commits to its keeping;

inherit ungovernable passions and minds just hovering on the borders of insanity, if not wholly insane and irresponsible; that, as Dr. Prichard says, "The difficulties with which administrators of public justice have to contend in distinguishing crimes from the result of insane impulse will never be entirely removed,"—this malignant feeling of revenge toward most criminals becomes ferocious and brutal.

Mr. Clay, the veteran and well-known chaplain of Preston Gaol, denounced as "selfish cowardice this cry for indiscriminate vengeance on all sorts and conditions of criminals—as if the comfort and ease of self-asserting respectability, riding paramount on the surface of society, was altogether to outweigh the rights, temporal and eternal, of the helpless, inarticulate mass below."

Bulwer reminds us that "Society has erected the gallows at the end of the lane, instead of guide posts and direction boards at the beginning."

And Dr. William Ellery Channing says, in the same strain, "When I reflect how much of the responsibility for crime rests on the state, how many of the offenses which are most severely punished are to be traced to neglected education, to early squalid want, to temptations and exposures which society might do much to relieve, I feel that a spirit of mercy should temper legislation; that we should not sever ourselves so widely from our fallen brethren; that we should recognize in them the countenance and claims of humanity; that we should strive to win them back to God."

It is evident from the tone of the press, from the excitement and bitterness we see everywhere in the community, and from the very language of one of my comrades in this discussion, that the feeling against Guiteau is one of revenge, rather than a cool and dispassionate care for the safety of society.

This pitiable and misbegotten wreck, who is only just within, if indeed he be within, the limits of moral responsibility, and who could not probably be proved the direct cause of the President's death, to the satisfaction of any jury assembled one year or twenty months hence,—if, carried away by hot revenge, the people hang him, it will be a blot on the justice of the American people which, probably within five years, men would do anything to erase, and which history will record as one of the most lamentable instances of temporary madness, or as evidence how much of actual barbarism lingers in the bosom of an intelligent and so-called Christian community.

WENDELL PHILLIPS.

THE GLADSTONE GOVERNMENT AND IRELAND.

"We came into power pledged up to the eyes to do justice to Ireland."

Such were the words addressed by a member of Mr. Gladstone's cabinet to a great meeting of his constituents at Birmingham. The endeavor to redeem this pledge has been the chief, if not the only, work of the British Government and the British Parliament during the past eighteen months. The efforts of Parliament have been worthily seconded by the unwavering support of the constituencies. Not only have the electors of England and Scotland consented to the postponement of all those pressing and important questions in whose solution they were most deeply interested, but they have continued to insist upon the performance of what they considered a paramount duty in the face of obstacles which might fairly have daunted their resolution.

England has long recognized that the unhappy history of the past had raised up between her and Ireland a wall of mistrust and dislike, for which she was in great measure responsible, and which could only be removed by patient persistence in well-doing. The people of England may perhaps claim that, in the face of the most formidable discouragements, they have so persisted with unshaken determination. It is hard for a powerful nation to concede even just demands, when it sees its statesmen insulted, its Parliament degraded, its laws broken, and its very existence threatened by those who make these demands. Yet, paradoxical as it may seem, there probably has never been a time when the mass of Englishmen were so ready, nay, so anxious, to sympathize with and to adjust all that was reasonable, and all that was honest, in the claims of their Irish fellow-countrymen.

The history of the dealings of the Gladstone Government with Ireland is the history of the Irish Land Act of 1881. With

that act, therefore, with the circumstances which preceded it, and with the obstacles by which its accomplishment was retarded, we have now to deal. But whatever might be the ultimate form of their permanent measures, the Government, on their accession to office, found themselves compelled to deal with two questions, which, though of a temporary nature only, were of pressing and instant importance—the one of legal relief, the other of material succor—to the people of Ireland. To these measures, therefore, they at once turned their attention. On the 20th of May, 1880, the new Parliament was opened, and the Queen's speech contained the first indication of the new treatment which was to be applied to Irish troubles, and the first official announcement of the spirit in which the new departure was to be attempted. In it was the following passage:

"The Peace Preservation Act for Ireland expires upon the 1st of June. You will not be asked to renew it. My desire to avoid the evils of exceptional legislation in abridgment of liberty would not induce me to forego, in any degree, the performance of the first duty of every government in providing for the security of life and property. But while determined to fulfil this sacred obligation, I am persuaded that the loyalty and good sense of my Irish subjects will justify me in relying on the provisions of the ordinary law, firmly administered, for the maintenance of peace and order."

By allowing this act to expire, the executive lost the right to punish districts in which outrages had been committed by levying upon them the amount of compensation claimed, and also the right of searching for and prohibiting the possession of arms within specially prescribed districts.

Mr. Forster, the Chief Secretary for Ireland, speaking in the House of Commons upon this subject, and appealing to the Irish members and to the Irish people to assist the Government in the matter, said that he and his colleagues believed that this, the first attempt for many years to govern Ireland without the aid of special legislation, would be effectual. It was the earnest desire of the Government to make use of the suspension of the act to enable the Irish people to show that they were as fit for just and equal law as Englishmen and Scotchmen.

Subsequent events proved that this anticipation was too sanguine; but to err on the side of generosity and confidence in the good feeling of the people is, perhaps, the most venial fault of which a popular administration can be guilty. The concession was attacked with some acrimony by the Conservatives. By the

extreme section of the Irish party it was received without comment and without gratitude.

As an experiment it was a failure, but it stands on record as a continual proof of the desire of the Government to extend to Ireland every liberty and every privilege which England possessed. On the same day that the announcement of the Government with regard to the Peace Preservation Act was made, a promise was given to introduce a sweeping and permanent measure of dealing with the whole question of land tenure, as soon as time for its consideration had been allowed, and the pressing exigencies of the case permitted. The question of Irish distress, arising from the failure of the potato crop, was engaging the attention of the liberal Government as it had that of their predecessors. To be occupied with a discussion of this nature was no new experience for the British Parliament. Relying exclusively upon the successful growth of their small patches of potatoes, the peasantry of the west of Ireland have long been liable to the recurrence of periods of scarcity, which, according as the failure was partial or complete, varied between extreme misery and downright starvation. Too poor to yield grain in quantities sufficient to secure the people against the uncertainty of their staple production, the rough lands throughout a great part of the western counties are incapable of supporting in all years any but the most scanty population. Such a failure as that alluded to had occurred in the summer of 1879, and in the districts mentioned the distress was wide-spread and acute. The Government of Lord Beaconsfield had taken steps to relieve it, and that of Mr. Gladstone now applied itself to the completion of the work. In accordance with the economic traditions which mark the conduct of English governments in dealing with local distress, private charity and the operation of the ordinary poor-law were at first relied upon to meet the difficulty, and the result to a great extent justified this policy. But the state was not content to leave the matter wholly to these agencies. Loans amounting to more than a million sterling were made to corporations and to individuals for the purpose of providing employment, or for the actual purchase of necessaries.

The justification of these combined efforts was their success; not a single person died of starvation. The suffering in some places was great, but the terrible scenes of the famine of 1846-7 were not repeated.

The danger of starvation was passed, but the districts which had been the chief sufferers were much impoverished. For the purpose of relief, the Government had divided off that portion of Ireland which, from its misfortunes, had become entitled to exceptional treatment, and the whole of the western counties had been included in the prescribed district. Where famine had laid its hand, there poverty was sure to follow, and it seemed not unreasonable to conclude that legislation for the relief of the latter should be co-extensive in its scope with the area affected by the former.

In the opinion of the Government the occasion for this special legislation had arrived, and they proposed to apply it on the principle suggested above. On the 18th of June the "Compensation for Disturbance Bill" was brought in, and its operation was to be confined to the districts scheduled for the relief of distress. To understand the nature of this next attempt on the part of the Government to carry out their programme of justice to Ireland, it is necessary for one moment to refer to the last great land measure passed for Ireland,—namely, the Irish Land Act of 1870. By that act, the power of a landlord to turn a tenant out of his holding was only allowed to be exercised subject to the payment by the landlord of a considerable sum by way of compensation to the tenant. In one case, however, the liability of the landlord was removed. Where the tenant was turned out of his holding on account of non-payment of rent, he was not entitled to claim any compensation under the act.

It was with this exception that the bill brought in by the Chief Secretary was intended to deal. The purport of it may be put briefly enough in the words of that minister, when supporting the second reading of the bill:

"Now, what," said Mr. Forster, "is this temporary proposal? Simply this—that if, in the distressed districts, and during this year of distress, it shall appear to the county court judge, the official to whom these questions are referred by the Land Act, that a tenant is unable to pay his rent; secondly, that he is unable to do so on account of the distress arising from the bad harvest of this and the two previous years; thirdly, that he is willing to continue in his tenancy on just and reasonable terms as to rent, and arrears of rent, and otherwise; and fourthly, if those terms are unreasonably refused by the landlord, then, and then only, can he obtain such compensation as the court may think fit, under section 3 of the act of 1870."

Such was the pith of the Compensation for Disturbance Bill, which was designed as a measure of temporary relief only, and

as a means of assisting those sufferers from the rigor of the seasons who were unable to hold out until the passing of the great remedial measure which was promised.

The bill was violently opposed in the House of Commons; a considerable number of the usual supporters of the Government either voted against it or took no part in the divisions. Nevertheless, after many days' animated controversy, the measure passed the third reading by a majority of sixty-seven. The House of Lords rejected it by an overwhelming vote—two hundred and eighty-two to fifty-one.

Whatever might have been the result of its passage, the rejection of the bill at once gave a further test to those who were engaged in promoting a course of agitation in Ireland, and alarming results soon began to make their appearance. Before, however, proceeding to describe the nature of the problem that presented itself to the Government, or alluding to the means by which its solution was attempted, a few words are necessary as to the general character of the agitation which was being conducted in Ireland under the auspices of the Irish Land League.

In England, as in every other country in which the popular will is the actual basis of government, agitation has been the predecessor of every important reform. To agitation has been conceded almost every important change upon which the Liberal party prides itself, and upon which the chief popular liberties of England depend. It is an undoubted fact, which must be recognized though it may be regretted, that the stimulus of strong popular pressure is often required to put in motion the machinery of reform. This is true of Ireland no less than of England. There is, however, this unhappy difference, that in the former country the necessary and legitimate expression of popular discontent has been often disfigured and discredited by the most lawless excesses and by the most deliberate crimes. It need hardly be said that the effect of these excesses and these crimes has been in every way disastrous. The amount of ill-feeling, demoralization, and distrust which they inevitably generate is absolutely without compensation or any corresponding benefit. The false teaching which has represented the many reforms of recent years as being the outcome of the lawlessness of the people is a twofold misfortune: it has discredited the almost irresistible power of constitutional agitation, and has represented as the motive power that which was but one of its most degrading and unnecessary adjuncts.

To understand the overwhelming necessity which compelled the Government to initiate, to insist upon, and to carry into law the third of the important measures with regard to Ireland which have occupied their attention during their tenure of office, it is necessary to bear in mind these considerations. In the beginning of the autumn of 1880, the Gladstone cabinet found itself in this position: Pressing questions of Irish distress had been met and dealt with. A strenuous effort had been made—unfortunately without success—to afford additional security for those who had suffered from that distress; and the Government had pledged themselves in the most solemn manner to bring in, at the earliest opportunity, a bill which should deal in the most sweeping way with the whole of the grievances which formed the basis of Irish discontent.

This was the moment that was chosen by the Land League for reviving with greater vigor than ever the agitation which they had commenced, and which, by means of their elaborate organization, they had succeeded in spreading throughout the greater part of Ireland. Beginning with the modest programme of securing to the tenant his holding at a fair rent, the movement soon practically became one which had for its watch-word the payment of no rent whatever, or, at best, a rent fixed by the caprice of an illegal, an irresponsible, and an interested tribunal.

All considerations of justice or injustice, of hardship or the reverse, in any particular case, were soon merged in the vague but convenient doctrine that the land of Ireland belonged to the people of Ireland—the people of Ireland for this purpose being represented by that limited number of persons who, under various forms of contract, had, for the time being, obtained a temporary interest in the soil. It is easy to see what must have been the effect of the wide-spread acceptance of such doctrines as these, enforced as they were by a body whose avowed intention it was to evade, wherever possible, the provisions of the law, provided only they could do so without incurring its penalties.

But, unjust and absurd as were the decrees which the Land League undertook to pronounce, it was the method of their enforcement that soon became the most pressing question with which the Government had to deal.

The unlimited right of free speech enjoyed by every British subject had been taken advantage of by the extreme party in Ireland to inflame the peasantry, and to excite at once their

cupidity and their passions. The chief feature in the campaign of the Land League was the prohibition which they issued, forbidding any tenant to take a farm from which another had been evicted. In the face of the almost universal desire of the Irish tenants to acquire or to extend their holdings, it was to be feared that this order might be disregarded; means were found to insure obedience. It soon became evident that those who ventured to disobey the mandates of the League were marked men. Their property, their trade, in many cases their lives, were made the objects of attack. The ordinary headings of the police reports, with regard to what are termed "agrarian offenses," are a useful indication of the nature of the methods adopted—murder, manslaughter, firing on the police, assaults endangering life, assaults on bailiffs, incendiary fires, killing and mutilation of cattle, and firing into dwellings, are among the more serious offenses which this black category contains. In proportion to the extension of the Land League agitation, the returns under these heads became larger. Crime dogged the footsteps of the League agitators. In one small district twelve miles square, which had previously been almost undisturbed, a violent speech was followed by the commission of no less than eighty-seven outrages in three months. And this is merely one example among many. Wherever the Land League took root, there crime, and crime in its most brutal form, appeared, and the victims were in every instance those who had incurred the displeasure of the Land League.

It soon became plain that with the increase of crime there was no corresponding increase in the number of those whom the law succeeded in punishing for their offenses. Not only were witnesses intimidated, but jurors, either in real or simulated alarm, refused to perform their duties, or, being impaneled, even in the most serious cases did not scruple to violate their oaths.

It is hard to apportion blame in these matters, nor is it easy to decide how far the power of terrorism can really overcome the most ordinary notions of duty. That such a terrorism did exist, there can be no doubt whatever; that its influence powerfully contributed to further the purposes of the Land League, is equally certain. As to the truth of this assertion, it may be well to quote the evidence of a journal printed in New York and widely circulated in Ireland, and which is, in fact, the most important organ of the League. The paragraph is headed "The

Ban of the Land League," and accurately describes the ordinary procedure of the body in whose name it speaks. It is to this effect:

"Some months ago the local Land League ordered a farmer and publican, named Berkery, to give up possession of his farm to a tenant who had been evicted *some years ago*. He refused to comply, though a written notice to quit was served upon him. The Rev. Father Sheehy and others were prosecuted, but the proceedings broke down in consequence of Berkery having been spirited away out of the country. Matters having changed to all appearance since, Berkery ventured to return, but the ban of the Land League was still upon him, and he is 'boycotted.' No one will deal with him, work for him, or speak to him, and his gates were broken down some nights ago, so that the cattle could not be kept in the fields. The other day he proceeded to chapel to hear the bishop, and was accompanied by two young men named Gorman. Observing the hostile demeanor of the people he left early, but the Gormans on leaving were pursued and stoned; they were knocked down and severely cut, and had to run three-quarters of a mile for their lives to Berkery's house, where they arrived covered with blood and bruises."

Such was the penalty inflicted upon those who dared to associate with one whose sole crime was an imaginary offense, and whose sole judges were the members of the local Land League. Such was the result of the persistent teachings of those who had undertaken to conduct a constitutional agitation in Ireland. It was against these results, and not against the treasured prerogatives of free speech and free assembly, that the legislation which the Government now found itself compelled to initiate was directed. The statistics of agrarian crime during the summer of 1880 showed some signs of increasing, but not to such a degree as to cause serious alarm, and a good harvest seemed to afford reasonable grounds for hoping that the autumn would see an actual improvement. But when the autumn came, the effects of the summer campaign became clearly evident. In September, the number of agrarian offenses specially reported by the constabulary was one hundred and sixty-six; in October it had reached two hundred and sixty-nine; in November it was five hundred and fifty-nine; and for December the returns showed a total of no less than eight hundred and sixty-four. Meanwhile, justice showed an increasing inability to overtake crime in the face of a wide-reaching combination to hinder its detection and to insure immunity to those who were made amenable. Nor did it seem probable that, so long as continued incitements to violence were offered to them by their leaders, the Irish people would

readily return to the paths of order. Mr. Boyton, the principal organizer of the Land League, was foremost in uttering inflammatory harangues;* and Brennan, the secretary of the League, suggested that the people should follow the example of the French peasants, who hung their landlords upon the nearest tree. In July, the New York journal advised the women of Ireland to throw vitriol upon the English soldiers; in November, it advocated the use of dynamite "as a political agent," and claimed the merit of its introduction for Ireland. Meanwhile, Mr. Parnell openly supported the paper which contained these counsels; the paid secretary of the Land League continued to sign his name as its special correspondent; and the League continued to depend almost entirely upon the contributions which it received from this tainted source.

In England, as these facts became more and more apparent, and as every morning the papers recorded a melancholy catalogue of unpunished offenses,—murders committed or attempted in broad daylight, houses entered in the dead of night and their inhabitants threatened, attacks upon unoffending persons whose only crime was their honesty, of the destruction of property and the mutilation of cattle; and when, during all this time, no single member of the Land League was heard to utter a protest worthy of the name against the infamies which were committed in its interest and as an apparent consequence of its teachings, the pressure upon the Government to come to the assistance of the ordinary law became strong and universal. For many weeks the Government of Mr. Gladstone, jealous in the cause of liberty, hesitated to give way to these solicitations.

At length, anxious to make use of every available legal weapon before resorting to extra-constitutional methods for the suppression of the growing anarchy, the Government instituted a prosecution in due form against the responsible promoters of the agitation.

On the 28th of December, Mr. Parnell, Mr. Dillon, and other prominent members of the Land League were put upon their trial for conspiring to prevent persons by illegal means from

*He was subsequently arrested under the Protection Act, one of the grounds of the arrest being the advice which he openly gave at a public meeting, in these words: "We have seen plenty of landlords and agents that deserved to be shot at any man's hands. I have always denounced the commission of outrages by night, but meet him in the broad daylight, and if you must blow out his brains, blow them out in the day-time."

performing their legal duties. The value of this appeal to the ordinary law was, it is true, somewhat discounted beforehand.

In the New York organ of the League, the jury who were about to be impaneled were coarsely threatened in case they dared to find a verdict adverse to the traversers, and the action of the Government in resorting to the existing law was as warmly condemned as their subsequent endeavors to obtain its modification. The trial lasted several weeks, and at its termination the jury, in face of a strong summing up by the judges, found themselves unable to agree upon a verdict. Ten were reported to be in favor of an acquittal, two in favor of a conviction. The traversers were accordingly discharged. The ordinary law had been tried, and had failed. Indeed, so obvious was it that this last effort in the cause of order was destined to produce no good result, that even before the close of the trials the Government had felt themselves compelled to announce their intention of applying to Parliament for exceptional powers for the protection of life and property. It is not easy to exaggerate the reluctance with which the most liberal government which England had ever seen surrendered to the necessities of the situation, and appealed to its followers for their support in narrowing the wide bounds within which the liberty of the English law permits every British subject to wander.

But the situation was one which admitted neither of half-measures nor of delay; to use the words of Mr. Gladstone, "the Government could not be parties, directly or indirectly, to the setting up of any law in Ireland, except the public law which had received the sanction of the state. That duty of securing both the maintenance of public order and the enforcement of private rights was paramount over every other duty. It was the first business of a government to see that these primary purposes are attained." Mr. Parnell had openly declared that the "unwritten law," of which he and his friends were alike the framers and the interpreters, was the law under which Ireland was to be governed. It seemed likely that his boast would be fulfilled. As things stood, life was not safe, and the chief liberty which the Irish people enjoyed was one which, as the Irish Solicitor-General truly said, "they had never yet claimed as one of the liberties of their country—the right to commit murder and to spread terror with impunity." Never for one moment was the chief and original intention of the Government to carry out their scheme of

Irish reforms lost sight of; but circumstances for which they were certainly not responsible had imposed upon them the duty of postponing its introduction in favor of other and less congenial measures.

Various suggestions were made as to the best method of attaining the object in view. The suspension of trial by jury, and the substitution of trial by a judge, or by a specially appointed commission, were among the number. But both these remedies ignored the true difficulties of the situation. Judge or commissioner must base their decisions upon formal legal evidence, and upon that alone, and it was precisely this evidence that it was impossible to obtain. Sympathy with the accused, or fear of the consequences which might ensue from being a party to a conviction, were sufficient to render illusory any proceedings which depended upon the testimony of even eye-witnesses. It was these considerations that contributed to the ultimate preference being given to the methods contained in the Protection of Person and Property Bill, which was introduced into the House of Commons by the Chief Secretary, on the 24th of January. The bill was a short one. Its effect was briefly as follows:

The Lord Lieutenant was empowered to arrest and detain in prison any person who was reasonably suspected of having been guilty, either as principal or accessory, of high treason, treason-felony, or treasonable practices in any part of Ireland; or of any crime punishable by law, committed within a prescribed district, being an act of violence or intimidation tending to disturb law and order. The duration of the act was to be limited to eighteen months.

The bill was opposed, as was natural, with the greatest vehemence by the extreme Irish party. The returns of crime upon which the case of the Government was based were attacked. But the figures remained practically unshaken. Here and there individual cases were criticised, but no denial of the main proposition, that was supported by no less than two thousand five hundred and eighty-five cases of agrarian crime, was even attempted. Great stress was laid upon the fact that a large proportion of the cases, amounting to nearly one-half, consisted of threatening letters; but in a country where, though a threat is not always followed by a crime, a crime is almost invariably preceded by a threat, these contributions to the general system of terrorism could not be lightly regarded, much less overlooked.

Having failed to justify, the followers of Mr. Parnell sought to enforce their opposition by a recourse to the senseless and contemptible methods of obstruction. This new parliamentary weapon consisted in making use of every rule which the ordinances of the House provided for the orderly and efficient conduct of its debates, to hinder and, if possible, render impracticable any legislation whatever. The rules of the House had been framed for those who were anxious to observe them in the spirit as well as in the letter; and the new method at first succeeded in enabling those who practiced it to waste an enormous amount of invaluable time. More than this, however, it was unable to effect. An undisguised attempt to bring its deliberations into contempt, and to insure their miscarriage, is plainly the most certain means of stimulating the resolution and confirming the purpose of any self-respecting assembly. The British House of Commons was no exception to this rule. Mr. Bright well expressed the general opinion when he thus alluded to a particularly flagrant instance of the abuse: "I am perfectly certain," said he, "that the time must come—I hope it will come—when the Irish people, all that is thoughtful and all that is sensible amongst them, will find out that the way to do good to Ireland is not to degrade this House of the Imperial Parliament. Further, I am greatly mistaken if it be not the fact that this Imperial Parliament will know how to defend itself from the grossest case of insult and obstruction which, in my opinion, has ever been exhibited here."

On two occasions the House was compelled to sit for periods of forty-two and twenty-one hours respectively, and forced during that time to listen to the wearisome iteration of what was neither argument nor eloquence. From the outset only one issue was possible. The bill was carried by an immense majority, but neither had the reputation of the extreme Irish party been improved, nor had the good relations which they sought to establish with the radical party in England been extended.

The effect of the passage of the Protection Act was at once apparent. Indeed, the announcement that it was to be introduced was, in itself, effectual in checking the course of crime. From four hundred and thirty-nine in January, the number of outrages sank to one hundred and seventy in February, and one hundred and forty-six in March. In April, the leniency with which those apprehended were treated, and the continued incitements to violence which were placed before the people by their

leaders, gave a fresh impetus to the offenders, and the number of crimes increased, till in May they had reached the formidable total of three hundred and thirty-nine, or nearly half what they had been during the month of December, before the passing of the act.

From that time to the present, the returns have shown a decrease. One feature is especially noticeable—namely, the almost total suppression of open resistance to the law. Many who knew the Irish people best were of opinion that a collision between the authorities engaged in the execution of the law and the crowds who sought to hinder them was sooner or later inevitable, and that such a collision could end only in bloodshed. Happily, however, those responsible for the enforcement of the law were careful to protect the officers of the law by a force which made resistance improbable, because it made it hopeless.*

Such is the history of the Protection Act. Forced upon a reluctant Government, which had taken office with the openly declared intention of dispensing with any such adventitious aids to administration, it was adopted by them only when the sternest necessity had made it impossible any longer to resist the demand for its application, and when to have refused it would have been criminal. Upon their power to dispense with such assistance the Government had prided themselves; by its introduction and enforcement it was impossible that they could be anything but losers; and to suggest that a cabinet of which Mr. Gladstone was the chief, and of which Mr. Bright was a member, could have supported any curtailment of liberty which was not in the interest of liberty itself, is a proposition manifestly absurd to those who have any knowledge of English politics and English statesmen. It is a relief to turn to the consideration of the new epoch which commenced with the introduction of what is now the Land Act of 1881. This was the measure of justice to Ireland upon the realization of which, through good report and evil, Mr. Gladstone and his colleagues had without wavering kept their attention fixed.

* One fact sheds considerable light upon the nature of Irish crime. In no single case was the life of a man attempted who had been placed under the personal protection of the police. In more than one instance, the moment that protection was removed, murder or attempted murder followed. The possibility of danger to the assassin was invariably a sufficient safeguard. Personal protection was freely given by the authorities, and much loss of life was doubtless avoided thereby.

Difficulties not of their own making, still less of their own seeking, had arisen to interfere with its accomplishment. Now, however, the great task which had been so long deferred was to be taken in hand—was to be framed and conducted with all the power of Mr. Gladstone's marvelous intellect and unrivaled energy. It was to be supported by a Government no less anxious than their chief for its success, and it was to be indorsed by the willing majorities of all that was best of English and Irish Liberalism. A law which is in effect a new agrarian code must necessarily be as lengthy and complex as the conditions with which it has to deal are involved. To attempt any detailed description of the Irish Land Act within the limits of this paper would be tedious, if not impossible. But a slight sketch of the wants which it was to supply, and of the means by which it sought to supply them, cannot be omitted.

The difficulties with which the Irish tenant had to contend were of a twofold nature. They were due partly to defects in the existing law, but still more to a combination of causes which made the operation of that law peculiarly harsh and uncongenial in the actual circumstances of the case.

The cultivation of the soil having become practically the sole industry of a large portion of Ireland, the magnitude of the demand for land, and the inevitable limitation of the supply, had combined to raise the price which the owners of that commodity were able to charge for its use to a figure which left but little profit to the cultivator. In addition to the difficulty thus created, much discontent had arisen from the fact that the landlord, by evicting a tenant from his holding, could at any time render illusory the efforts of the tenant to create for himself a valuable and permanent property in the land he tilled.

Some check had been put upon the power of capricious eviction by the Land Act of 1870, and in many cases the landlord was only able to avail himself of his rights on payment of a penalty by way of compensation to the tenant. Experience, however, had shown that the safeguards which had been provided were not sufficient to secure the ends they were intended to serve. The action of a few unwise or impoverished landlords in the exercise of their legal rights had created a feeling of insecurity among many who were practically safe from similar interference. The loss by a single tenant of much of the labor which, during a lengthened occupation of his holding, he had

expended, and the knowledge that this loss was incurred without hope of legal redress, deterred many persons from investing in the soil that capital which alone could make it productive.

Some discontent arose, also, from the fact that, though custom had conferred upon the tenant from year to year a salable interest in his tenancy, and although purchasers were not unfrequently found ready to pay large sums for what may be called the good-will of the business, the right of sale as between tenant and purchaser was not generally recognized by the law, except in the province of Ulster.

Lastly, and above all, the hardship which the fictitious value of land enabled its possessors to inflict upon those who were solely dependent upon it for their livelihood was most keenly felt, and the cry for a "Fair Rent" received an additional significance when accompanied by deficient harvests and the increase of American competition. Fixity of Tenure, Free Sale, and Fair Rents—the "Three F's," as they have been popularly called—were the watch-words of the land reformers in Ireland. Fixity of tenure, free sale, and fair rents are practically the benefits which have been secured to the Irish tenants by the Land Act of 1881. Perhaps the most startling feature of the act is the institution of a special court, to which has been confided an almost unlimited power of hearing and adjudicating upon all questions connected with the tenure of land in Ireland. By the court a fair rent as between landlord and tenant is to be assessed; to the court the tenant can appeal to transform his limited interest into a fixed term of fifteen years, and his position is guaranteed to him, subject only to certain elementary conditions, and as to the breach of those conditions the court is to decide. At the completion of the first term, a renewal for a similar period under the same conditions may be secured. The right of free sale has been almost unconditionally conferred. Such are the main provisions of the measure; others, scarcely less important, are comprised within it. Facilities have been offered whereby a tenant is enabled to become the absolute owner of his holding; money on the most liberal terms has been put at the disposal of those who are anxious to improve their properties; and, lastly, assistance has been offered to those who, unable to contend with the poverty of the soil and the inclemency of the seasons, wish to exchange their meager prospects for a brighter future in the British colonies or in the United States.

The Land Bill was brought in by Mr. Gladstone on April 7th. On May 2d it passed the second reading. Several weeks were occupied by the discussions in committee. Little aid, and not a little difficulty, was afforded to the Government by those in whose interest the bill was framed. It is satisfactory to note, however, that by those Irishmen who regarded the welfare of their own country as even more important than the infliction of injury upon Great Britain, it was warmly supported. Men who, at the risk of their liberties and of their fortunes, had in past days shown their devotion to Ireland; others who, by the constant and successful exercise of their great abilities on her behalf, had certainly merited the confidence and esteem of their countrymen, hailed it as an earnest and substantial attempt to cope with the difficulties of the situation. From Mr. Parnell and his small band of close adherents no such support was forthcoming. As before the introduction of the bill they had depreciated the remedies it offered, and had challenged the sincerity of the Government; as during its progress they had relaxed none of their efforts to damage its reception; so, after its final inscription upon the statute-book, have they strained every nerve to insure its failure and to discredit its operation with the people of Ireland.

Fortunately, however, signs are not wanting that the "message of peace" sent by England to Ireland may achieve its purpose, despite the efforts of those whose interest it is that there shall be no peace.

If the tone which has been adopted by one who has been both active and consistent in opposing the policy of the Government, and who has figured as an ardent supporter of the claims of the tenant farmers, finds an echo in many parts of Ireland, much good may be hoped for.

Dr. Croke, the Roman Catholic Archbishop of Cashel, concluded a recent address with the expression of this hope—"that, as the bill had been offered in a generous, kindly, statesman-like spirit, it might be received with gratitude by the people of Ireland."

Gratitude, as Mr. Gladstone has well said, is a plant of spontaneous growth. That it will spring up in the hearts of the Irish people is, perhaps, scarcely to be expected—certainly not to be assumed. But if, as the result of long and patient effort on the part of England to do justice to Ireland, the social life of that

unhappy country become less troubled, its material prosperity enhanced, and its moral well-being restored, then Englishmen will assuredly not complain of the sacrifices they have been asked to make to attain that end.

It has been difficult to summarize the events which have taken place during a period so crowded with incident. It is almost impossible to weigh and to discriminate the motives which have animated those who have taken a prominent part in public questions during that period. From open acts and open profession alone can we infer the motives by which they were prompted. In the light of these facts and these professions, therefore, we may summarize briefly the claims of Mr. Gladstone's Government to a favorable judgment during the past two years.

Before taking office, Mr. Gladstone had pledged himself to deal with the affairs of Ireland. His first act on coming into power was to restore to Ireland the liberties she had forfeited, and to appeal to Irishmen to justify his confidence in their capacity for constitutional government. The session of 1880 was not many weeks old before the Government had undertaken two considerable measures for the relief of Ireland, and had promised a third, far more generous and extensive in its provisions than any that had ever yet been suggested.

Such was the condition of things when it found itself confronted by an organization whose programme was as unreal* as it was dishonest, which, by means of subsidies from abroad,† kept up a cruel and demoralizing agitation at home, and which was, if not the cause, at any rate the invariable companion, of cowardly and malignant crimes. At the head of this agitation was a man who announced that the reform he sought was but the lever which would enable him "to break up and undermine the British Government"; who declared that he would not rest

* The Land League cry for the total abolition of landlords was obviously a mere catch-word. No one supposes that in a country where the supply of land is limited the relations of landlord and tenant can cease to exist. That the members of the Land League did not think so is proved by the fact that many of them were themselves in receipt of rent from under-tenants, which *often largely exceeded the amount paid by them to their superior landlord.*

† It is noteworthy that, though during the present year the wealth of the people, even in the distressed districts, has considerably increased, the Land League received less than one and a half per cent. of the subscriptions from Ireland itself.

satisfied till he had destroyed the last link that bound Ireland to England; and who further declared that he only wanted the opportunity to effect his purpose by force of arms. He was aided, as has been said, by lieutenants who did not scruple openly to recommend to the people deliberate murder.

In the face of such a state of things no government could have refused to act; few would so long have refrained from action. To no administration could the passing of a coercion bill have been more distasteful. That it was passed was in itself an evidence of the gravity of the situation.

The first duties of a government performed, Parliament returned with pleasure and alacrity to the work which it had been unhappily compelled for a moment to lay aside.

What may be the result of that work, time alone can show. If it fails, its failure will not be due to any want of good-will, of sympathy, of earnest effort on the part of the English people, or on the part of those whom they have chosen to represent them.

H. O. Arnold-Forster.

THE SURGICAL TREATMENT OF PRESIDENT GARFIELD.

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IT has been asserted that the unfortunate termination of the President's illness was due to one of the three following causes:

First. The necessarily mortal character of the wound.

Second. The imperfect development of the science of surgery.

Third. The disregard by the attending and consulting surgeons of well-recognized principles of surgery, which, if acted upon, would have diminished or abolished the tendency to death.

The short space in this journal at my disposal will only admit of a very cursory examination of these points, while many others of great importance must be passed over altogether.

First. Was the wound necessarily mortal?

It appears that the ball, after fracturing the eleventh and twelfth ribs,—the former in two places,—continued directly on in its course without marked deflection, and, striking the spine obliquely, passed through the intervertebral substance between the twelfth dorsal and first lumbar vertebræ, cutting a groove in the latter, and lodging on the left side of the spine, below the pancreas and outside of the peritoneal cavity.

The spinal cord received no injury beyond a slight concussion, which was recovered from in a couple of days.

No important vessel was injured, and all the abdominal organs escaped.

Now, where are the elements of inevitable death as the result of such a wound?

Jobert de Lamballe* says:

"Although the ball may have traversed the body of the vertebra in its anterior part, and although it may have caused paralysis, we should still trust to the infinite resources of nature. * * * We have seen fractures of the vertebral column, with compression of the spinal cord and paraplegia, recover rapidly, and to an extent greater than would have been supposed. I recall with pleasure a patient who was treated at the Hospital Saint Louis, about eleven years ago, when I was there in the service of my illustrious master, Richerand. The man had a fracture of the lumbar region and complete paralysis * * * but he was almost entirely cured."

Surgeon-General Longmore,† of the British army, says:

"Balls have been known to pass through the bodies of the vertebræ and apparent cure follow."

Lidell,‡ one of the most experienced of our military surgeons during the late civil war, states that of ten cases of gunshot fractures of the bodies of the vertebræ without injury of the cord, four recovered.

But one of the most instructive cases on record is that reported by Dr. F. H. Hamilton. A soldier was wounded March 16th, 1865, the ball "perforating or possibly grooving the anterior surface of the body of the second lumbar vertebra." In September, 1865, a small fragment of bone escaped. In September, 1867, Dr. Hamilton found him suffering only with a slight paralysis of the bladder. The ball was found lying in the muscles on the other side of the spine, and Dr. Hamilton cut it out. Since then, it is stated that recovery is complete. Dr. Hamilton took the man before the New York Pathological Society, and he says: "The members present concurred with me in my opinion that the ball had struck the body of the vertebra."

Many other authorities to the like effect might be cited, but they are probably unnecessary.

As to the injury to the ribs, no civil or military surgeon will venture to affirm that gunshot fractures of the ribs uncomplicated with lesions of the abdominal or thoracic viscera are necessarily fatal. It appears to me, therefore, and I think the great majority of civil and military surgeons will agree with me, that, while the President's wound was a serious one, there was not a

* Plaies d' armes à feu, etc., Paris, 1833, p. 123.

† A Treatise on Gunshot Wounds, Philadelphia, 1862, p. 76.

‡ American Journal of the Medical Sciences, vol. lxviii., p. 317.

single feature or combination of features about it which rendered death inevitable.

Second. Was death due to the inchoate condition of the science of surgery?

In gunshot wounds, the science of surgery requires certain things to be done.

In the first place the relative positions of the assailant and the patient should, if possible, be ascertained. As thorough an examination of the wound should be made, for the purpose of determining the course of the ball and its situation, as the case requires. There is no possible condition which can stand in opposition to this precept, though there may be such an existing state of the patient as to cause the examination to be deferred for a few hours. Such cases are, however, exceedingly rare. Then all foreign bodies, such as pieces of clothing, spiculæ of bone, etc., should be removed from the track of the wound as soon as discovered, and the bullet itself should be extracted if its removal can be effected without the infliction of serious additional injury. All fractured bones should be adjusted, and, if necessary, their rough ends removed. All these things should be done under antiseptic conditions, and antiseptic dressings should be applied. There is more necessity for such precautions during the first forty-eight hours than during all the rest of the period of treatment.

If after thorough examination it should be found that the ball has entered the brain, or heart, or liver, or other vital organ, or is lodged in one of the great cavities of the body, further interference is in general unjustifiable. But such fact can in many instances only be ascertained by an exploration conducted by a skillful surgeon, and with every precaution to guard against being deceived. It is in no case to be deduced from a hurried and superficial insertion of a finger or probe into what may at first sight be deemed the track of the bullet.

I cite a few modern authorities on these points.

Surgeon-General Longmore says:

"On arrival at the hospital, where comparative leisure and absence of exposure afford means of careful diagnosis and definitive treatment, the following are the points to be attended to by the surgeon: firstly, examination of the wound with a view of obtaining a correct knowledge of its nature and extent; secondly, removal of any foreign bodies which may have lodged; thirdly, adjustment of lacerated structures; and fourthly, the application of

dressings. The diagnosis should be established as early as possible after arrival at hospital. An examination can be made with more ease to the patient and more satisfactorily to the surgeon than at a later period. * * * One of the earliest rules for examining a gunshot wound is to place the patient as nearly as can be ascertained in a position similar to that in which he was in relation to the missile at the time of being struck by it. In almost every instance the examination will be facilitated by attention to this precept."

M. Legouest,* professor of clinical surgery in the military medical college at Val de Grace, says:

"The first thing the surgeon who is called to a case of gunshot wound should do is to explore the wound. The injury may involve a part of the body habitually uncovered, or one protected by clothing or by some provisional dressing. When the wound has been exposed to his inspection, it should be immediately explored; and when the part is concealed by the dress, this should be removed to such an extent as to permit of exploration being accomplished with the most complete facility. * * *

"The exploration is made by the sight and by the touch. The eye shows the region wounded, the number and form of the wounds; it permits us to appreciate, in a general manner, the direction followed by the projectile, to perceive the normal configuration or the deformation of the parts, and their coloration; it gives some information in regard to the organs which may have been injured. By the touch we determine the hardness and softness of the wounded parts, their temperature, the more or less acute pain of which they are the seat, the absence or the existence of movements of various kinds, of fluctuation and of crepitation. It is not sufficient to see and touch the wound and the neighboring parts; it is necessary to push the investigations to the greatest extent, and to make, at the same time, a general and rapid examination of the patient, in order to ascertain the symptoms which may be present. It is after having fulfilled these preparatory requirements that the surgeon proceeds to the exploration of the track of the wound.

"It is an invariable and absolute rule that, when the course of a bullet is to be determined, the patient should be placed in the position which he occupied when he received the wound. The situation of the patient relative to the enemy or to his adversary, and any movements which he may have performed, ought to be perfectly known to the surgeon, and reproduced before him, if it be possible. These preliminary precautions, which are often indispensable for arriving at a correct diagnosis of the track of the ball, are also of the greatest importance in pathology and in legal medicine. * * *

"The finger is the best exploring instrument. * * * The fear of making the patient suffer pain, the apprehension that he may exhibit at the idea of an exploration which is brutal only in appearance, should never influence the surgeon. * * *

"Every-day experience confirms the wisdom and importance of exploration. Timid and inexperienced surgeons, or those too confident in themselves, may alone dispense with it. * * * Wounds should be explored as soon as possible

* Traité de chirurgie d' armée, Paris.

after the injury is inflicted. A delay of twenty-four or forty-eight hours allows of the production of an inflammatory swelling, which not only renders the parts more sensitive and consequently painful on exploration, but which interferes with its proper performance by reason of the diminution which results in the size of the canal, and by the increase in the volume and deformation of the wounded tissues. * * *

"Finally, exploration furnishes the greater number of the indications by which the nature of the wound is determined,—that is to say, whether it be simple, complicated, or threatened by accidents which we have designated accidents to be feared; and it furnishes the basis for the treatment that may be proper in the case. These advantages of the exploration of wounds without doubt counterbalance the inconveniences pointed out by opponents of the practice—inconveniences which the skillful and experienced hand will know how to avoid."

And what can be more explicit in regard to what surgical science requires than the following emphatic language of Professor Gross:*

"To ascertain the *condition of the wound* is a matter of the first importance, and yet it is one which, I am convinced from much personal observation, is often most grossly neglected. The object should be not only to determine whether there is any foreign substance, but what the actual condition of the soft parts and bones is; whether, in a word, excessive and irreparable injury has been inflicted, forbidding all attempts at surgical interference; whether primary amputation is demanded, or whether the treatment shall be wholly conservative. For the want of this precaution, many limbs and lives are lost, simply because what should have been done at once, at the earliest possible moment, is postponed until it is too late to be of any benefit. Many of the men that are sent from the battle-field to the hospital fall victims to erysipelas, pyæmia, gangrene, and secondary hemorrhage in consequence of the irritation produced by retained splinters of bone, shreds of clothing, or other hurtful matter that should have been removed on the spot. Such neglect, whether caused by ignorance, carelessness, or timidity, cannot be too pointedly condemned or too severely censured. It need hardly be added that, inasmuch as all explorations of this kind must be painful, the patient should always be thoroughly anæsthetized. Moreover, they should be instituted at the earliest possible moment, before the parts are invaded by inflammation and swelling, as they may then be conducted with comparative ease and without any serious ulterior harm.

"The fourth indication is the *extraction* of the ball. But to do this, it is necessary in the first place to ascertain where it is: to grope about in the wound without any definite idea as to its precise location would only be to inflict additional pain and injury. In order to conduct the examination with the greatest advantage, the part should be put as nearly as possible in the position in which it was at the time of the accident. This is the more

*A System of Surgery—Pathological, Diagnostic, Therapeutic, and Operative. Fifth edition. Philadelphia: 1872. Vol. 1, p. 391.

necessary because, as was before stated, the missile often pursues a very different route from what might be supposed from merely looking at the orifice of entrance or exit; the slightest resistance may change its direction and cause it to lodge at a point far beyond what it would have sought had it been permitted to pass in a straight line. Hence, attention to the position of the parts is in all cases a matter of the greatest importance."

And in regard to the treatment of the hemorrhage from which the President suffered for the first few hours after the infliction of the wound, and the management of the fractured rib, I will only make one quotation, and that will be from the excellent work of Dr. F. H. Hamilton:*

"It is seldom, even in gunshot fractures, that the intercostal artery bleeds sufficiently to require a ligature, but in case the hemorrhage from this source is alarming, and the artery cannot be tied in the usual way, or its bleeding be arrested by digital compression, it will be proper to cast a ligature around the entire rib on the side of the fracture nearest the spine, or even, in some cases, to exsect a portion of the rib in order to reach and secure the bleeding vessel."

Nothing more is required, so far as I can see, to demonstrate what the science of surgery requires of its followers. Its precepts are of no uncertain tone; they are clear, decided, and to the point, and every surgeon should know them and act according to their teachings. Certainly the President did not die from any lack of positive principles applicable to his case. If there were no rules to suit a wound such as that of the President, the science of surgery would be a fraud, and the surgeons who, through past ages down to the present time, have become eminent in their calling, would have been unmindful of that debt which, as Lord Bacon declares, every man owes to his profession. They, however, have not failed in their obligation, and out of their accumulated experience surgery has been built up from a rough and imperfect system to its present advanced stage of development, with explicit rules for the management of every possible wound or injury. Were these rules heeded in the present instance? This question brings us to the third and last division of the subject.

Third. The surgeons in attendance and in consultation on the case are charged with certain neglects and mistakes, by reason of which the President died.

*The Principles and Practice of Surgery. Second edition. New York: 1873. P. 266.

While not prepared to assert, in the light of all the facts as revealed by the post-mortem examination, that this charge can be sustained in its entirety, I believe that the following alleged circumstances are true. If they are, then in so far as they are contrary to sound surgery were the chances of President Garfield's recovery lessened. But, whether true or not, I desire to express my profound admiration for the fidelity, devotion, and assiduity displayed by the attending and consulting surgeons. Rarely has any man, whether of high or low degree, had a more laborious and dutiful body of medical and surgical attendants than had President Garfield, and I believe that in no other country in the world could such entire abnegation of self as they exhibited have been obtained from physicians and surgeons in attendance on prince or potentate.

That the President lay for at least ten hours before any exploration whatever was made of the wound, other than the hurried examination made at the railway station.

That during all this time no serious attempt was made to arrest the hemorrhage which caused such alarming weakness.

That, acting upon the mistaken hypothesis that the ball had gone through his liver, it was announced to him that he had but "one chance in a hundred" of recovering, thus still further depressing his vital powers.

That, when made, the exploration was superficial, and based upon the erroneous theory that the assassin had stood directly behind the President, and that hence the bullet had entered the peritoneal cavity, traversing the liver, and lodging somewhere in the abdomen.

That, in accordance with this erroneous hypothesis, the patient was subjected to a rigorous antiphlogistic treatment, for the purpose of preventing the development of peritonitis, of which there was no real danger, and by reason of which his vital powers were still further reduced, and the liability to the occurrence of pyæmia greatly increased.

That no proper attempt was made to ascertain the presence of extraneous matters in the track of the bullet, the degree of fracture of the ribs, or to adjust the fragments; and that, in fact, the fracture of the twelfth rib was not discovered till after death.

That it was not till the 24th day of July,—twenty-one days after the reception of the injury,—when, in consequence of the occurrence of severe constitutional symptoms indicating the

existence of pyæmia, an incision was made for the exit of burrowing pus; that then the eleventh rib was found to be fractured in two places, and several pieces of bone and fragments of clothing, which had been driven into the track of the wound, were removed.

That, from the examination then made, it was judged that the bullet had not passed through the liver, but had been deflected by the rib in a downward direction toward the right groin; and that this theory was held and acted upon till death occurred, when the post-mortem examination demonstrated its erroneousness.

That at the autopsy it was found that what had been supposed to be the track of the ball was a pus cavity, formed by the burrowing of matter from the real track of the wound.

That there never was any adequate reason why a thorough exploration of the wound, with finger and probe, could not have been made within twenty-four hours after the shooting, and that the strong constitution of the patient and his remarkable powers of endurance prove that any necessary and proper examination could have been endured.

That had this been done, the track of the bullet would certainly have been discovered, as it had pursued a perfectly straight course, undeflected by any tissue through which it had passed. The injury to the ribs and first lumbar vertebra would have been ascertained; pieces of bone and of clothing would have been extracted, lessening the suppuration and consequent danger of pyæmia; and, though the ball would not probably have been reached, its approximate situation would not have been—as it was—a matter of guess-work.

That the failure to discover the real track of the ball, and to treat the fractured ribs, led to the burrowing of pus in the right inguinal region, and the formation of a sinus, which during life was supposed to have been made by the bullet.

That the error thus committed was one of cardinal importance, for had the real character of this passage been ascertained, not only would its progress have been stopped at once by appropriate measures,—position, bandages, compresses,—but means would have been adopted for causing it to heal. Mistaken as it was for the track of the ball, it was left open,—a large amount of pus was thus formed, the patient unnecessarily weakened, and the danger of pyæmia immensely increased. That there is noth-

ing in the revelations of the post-mortem examination to show that the pyæmic condition which evidently existed had any other source than this sinus which was supposed to be the track of the ball.

That pyæmia existed from about the 23d or 24th of July, as shown not only by the rigors, temperature, pulse, emaciation, delirium, and general prostration, but by the occurrence of metastatic abscesses in various parts of the body, as well as by purulent infiltration of the lungs. That from the 23d of July on, there was scarcely a hope of the President's recovery, not, however, from the alleged necessarily mortal character of the wound, but from the supervention of pyæmia, or septicæmia, if the term be preferred, in a patient already enfeebled to an extreme degree by insufficient food and otherwise bad hygienic conditions.

That the rupture of the splenic artery was either due to mal-nutrition of the coats, the result of pyæmia, or was post-mortem, being caused by the injection of a solution of chloride of zinc into the vessels several hours before the autopsy. If the latter was the case, the blood found in the peritoneal cavity was pushed out by this fluid, which of course filled all the vessels, and which, it is admitted in the report of the post-mortem examination, was extravasated into the abdominal cavity with the blood.

That the assertion that the splenic artery was injured by the ball is entirely unsupported by the evidence, there being nothing to show that the missile even touched it. Moreover, had it done so, it must have been with a degree of velocity altogether incapable of producing ill effects. It is to be borne in mind, also, that in the full report of the autopsy it is nowhere asserted that the rent in the splenic artery was caused by the bullet, nor does Dr. Bliss,* in his "Report," make such claim. It was reserved for gentlemen who had had no connection with the case during life to make the discovery.

That if the large clot came from the splenic artery, where did the small one come from that was found in the omentum, and which, it is stated in the official report, had no communication with the splenic clot? Two distinct clots show the existence of two ruptures, both of which were probably of pyæmic origin, or caused by the chloride of zinc injection.

* Medical Record, Oct. 8th, 1881.

That the fact that no clots were found in the heart was due to the same cause, the filling of the organ with chloride of zinc solution, and the consequent displacement of the blood.

That the phenomena of death were not such as would have been produced by hemorrhage, and that the explanation given in the account of the post-mortem examination of the cause of the pain is entirely insufficient.

That death probably was directly due to the formation of a thrombus or clot in the heart, or to embolism, and that the pain was really in the heart, as the patient declared.

And finally, to sum up the main conclusions, it is denied that the wound was necessarily a mortal one; it is denied that the science and art of surgery are in such an imperfect state of development as to afford no certain rules for the treatment of a case like that of the President; and it is asserted that during the first forty-eight hours the surgical practice was not in accordance with well-defined and acknowledged surgical precepts, and that hence the President did not have all the advantages of treatment which modern surgery is capable of affording.

WILLIAM A. HAMMOND.

DR. ASHHURST.

I HAVE been requested by THE NORTH AMERICAN REVIEW to express an opinion in regard to the injury of the late President Garfield, and in respect to the treatment adopted in the management of his case.

The condition of the President, when first wounded, was one of what surgeons call *shock*, developed in a marked degree. The essential nature of this condition is not, as yet, very well ascertained. Its phenomena appear to be due to paralysis of certain nerve centers which, from their presiding over the blood-vessel system, are called *vaso-motor;* but in what manner an injury, sometimes of a remote part of the body, causes paralysis of these centers, is by no means clear. Shock, which occurs in the lower animals as well as in man, may be—but is in no degree necessarily—accompanied by mental or emotional disturbance. The calmness, mental clearness, and perfect self-control of the President, at the time of and during the hours following his injury,

constituted not the least remarkable feature of his case. Shock may be said to be the general or constitutional effect of injury; and, just as all the tissues of the body are united by the synergy of health in normal life and action, so are they still united by sympathy under the effect of injury, and one cannot suffer without the others.

One of the complications of shock most to be dreaded is hemorrhage, and the surgeon must always be on his guard in a case of severe wound attended by shock; for, as this condition passes off, the force of the circulation is increased, and bleeding—which under these circumstances is called reactionary bleeding—is apt to occur. It will be remembered that not only was there rather free bleeding from the President's wound, during the day and night following its infliction, but that once or twice during the same period the symptoms were such as to cause the fear that internal or concealed hemorrhage was taking place.

Leaving aside, for the present, the question of treatment, we find that reaction, in the President's case, though very slow, was finally established, when the fear of an immediately fatal issue was no longer entertained. The progress of the case for some time was now fairly satisfactory, though the daily rise in temperature, continuing after the period at which simple traumatic fever ordinarily subsides, showed that, to a certain degree, septic absorption was constantly going on, while the very limited amount of nourishment which the patient was able to retain and assimilate rendered it certain that he would gradually become weaker under the combined influence of insufficient food and exhausting suppuration. The first seriously alarming complication which occurred was the formation of a large pocket, or pouch, containing pus, which could not be thoroughly evacuated through the original wound. The formation of this new focus of suppuration was marked by the occurrence of severe chills, or rigors,—always an alarming symptom in surgical cases, as being one of the most prominent manifestations of that form of blood-poisoning which is known as pyæmia, though fortunately often due simply to the recurrence of former malarial symptoms, or, as it proved in the President's case, merely evidence of the formation of an abscess in an accessible situation. A counter-opening, made in a more dependent position, by affording free drainage relieved the threatening symptoms, and, several shreds of clothing and fragments of bone (from a rib broken by the assassin's

bullet) having been removed a day or two subsequently, no further material trouble was experienced in securing free evacuation of the pus as it was formed in the deeper parts of the wound, though a fortnight later an enlargement of the incision was required.

For a time, everything now seemed to be progressing favorably, in spite of a rather persistent attack of vomiting, possibly connected with the use of an anæsthetic on the occasion of the second operation, until the report was made that a swelling had appeared in the region of the right parotid gland. Like the cloud no bigger than a man's hand, which yet announced to the prophet the onset of the coming storm, this simple statement excited in the minds of surgeons who had studied the daily bulletins of the case, the gravest apprehensions for the future. While parotitis, occurring either as a simple inflammatory affection or in the epidemic form as mumps, is ordinarily a trifling affair, the hard, brawny swelling which is known as the "parotid bubo," and which is met with in low states of the system, and as a complication of septic poisoning, is, though rare, an exceedingly grave, and very often a fatal, condition. Of three cases which I at this moment recall, seen in consultation with other surgeons, two ended in death—one from the intensity of septic infection, and one from hemorrhage, due to ulceration involving the internal jugular vein. As the parotid disease ran its course in the President's case, he again fell into a condition of great and imminent danger, as evinced by profound prostration, occasional wandering delirium, and intense irritability of stomach, which for several days required the abandonment of all attempts to administer food by the mouth, and necessitated the use of nutrient and stimulating enemata, as a means of averting threatened dissolution.

Again the illustrious sufferer rallied, and then, as soon as it was deemed safe, and at his own urgent and repeated request, he was transported with the utmost care from the presidential residence in Washington, whither he had been carried immediately after his injury, to a favorably situated cottage at Long Branch. Here, although the patient had borne the journey well, and had evidently profited by the change of air and location, a new complication was ere long developed. This was pulmonary congestion, deepening into inflammation, the pneumonia being evidently of the variety which physicians designate as hypostatic—due to

the accumulation of blood in the depending portions of the lung, and met with in depressed conditions of the system, in which the patient is unable readily to change his position, as after low fevers. In the President's case, the exhaustion from prolonged suppuration and the general septic state which existed obviously favored the occurrence of hypostatic congestion and engorgement.

From this time, the progress of the case appears to have been downward. In a few days rigors recurred, and were repeated at irregular intervals; and then came sudden and acute abdominal pain, collapse, and death.

A post-mortem examination showed that the ball, having entered over the tenth intercostal space on the right side, had, after fracturing the eleventh and twelfth ribs, been deflected from its course, and had passed downward through the body of the first lumbar vertebra, and had lodged on the left side, below the pancreas, where it had become thoroughly encysted. A long, suppurating channel, extending almost to the right groin, had been, during the President's life, supposed to be the track of the ball; but was now shown to be merely a sinus, resulting from the burrowing of pus. The immediate cause of death was found to have been secondary hemorrhage into the peritoneal cavity, from an artery (the splenic) which lay in the course of the original wound. There was a large abscess below, but not involving, the liver, and apparently not communicating with the wound. It was connected with the gall-bladder, and contained pus mingled with bile. One small abscess was found in the left kidney, and in the right kidney were three small serous cysts. The liver was enlarged and fatty, but presented no evidences of acute disease. The spleen was large and soft. The lungs and bronchial tubes were inflamed, as had been recognized during the patient's life; but contained no pyæmic patches, or, as they are often called, metastatic abscesses. The heart contained no clots.

The questions of most interest in connection with this sad case have regard to the matters of diagnosis and treatment.

First, as to diagnosis: The course of the ball was erroneously supposed to have been downward and forward toward the right groin. This was a mistake, but I confess that I do not see very well how the mistake could have been avoided. During the first few days of the case, there had been a suspicion that the spinal column might have been injured, on account of certain

nervous symptoms, numbness, etc.; but these soon passed away, and might readily have been due to injury of the spinal nerves after their emergence from the vertebral canal, or to spinal concussion without obvious and direct lesion. The digital and instrumental exploration of the wound made by the surgeons first in attendance had shown that the bullet had passed through the deep muscles of the lumbar region, and out of reach; and when, after the swelling which always occurs as the result of such an injury had subsided, a suppurating track was found corresponding in its course with the direction of the external wound, what more natural than that it should be supposed to be a part of the original wound itself? This belief was, of course, strengthened by the results of the electrical tests employed, by which it was thought that the position of the ball was indicated; but it is to be observed that, though no doubt some of the President's attendants were more confident than others that the ball had been discovered, none of them seem to have been so entirely sure of its location as to have been willing to recommend an operation for its removal.

Did the President suffer from malaria? To this question the only answer that can be given is that there was no evidence to warrant such a supposition. There were chills, no doubt, and periodic fever; but these were evidently both due to the wound and its essential complications, and there is no reason to import a hypothetical cause into the case to explain effects which are otherwise fully accounted for.

Did the President suffer from pyæmia? The answer to this question depends somewhat upon the meaning attached to the term. The name signifies "pus in the blood," but that is not what is meant when the term is employed by modern pathologists. Formerly, all forms of blood-poisoning which followed wounds were called pyæmic, but most surgeons now employ the word *septicæmia* as a general term, and limit the application of the name pyæmia to a particular form of blood-poisoning attended by repeated and irregularly recurring rigors and great variations of temperature, during life, and characterized by the presence of so-called "metastatic abscesses," found principally in the lungs and liver, after death. Using the term in this sense, as, I repeat, modern surgeons commonly do, there is no evidence that pyæmia existed in the President's case. The ranges of temperature-variation were not great, and after the chills

which accompanied the formation of the first abscess, there was freedom from this symptom until shortly before death. The chills which recurred during the last days were probably connected with the formation of the abscess which was found below the liver, and which, had life been prolonged, would probably have opened of itself into the wound. At the same time it is possible, though I think not probable, that these last chills were really pyæmic, and that, had the patient survived a few days longer, metastatic abscesses would have been developed. The abscess found in the left kidney is much more likely to have been dependent on local disease of the urinary apparatus than on any general infection. My answer, then, to this question is, that there is no evidence that the President suffered from pyæmia.

Turning now to questions of treatment, should the attending surgeons, when first called to the case, or at any time subsequently, have made an effort to remove the ball? I think not. Careful digital and instrumental exploration of the recent wound showed that the ball had passed beyond reach, and in view of the very grave general condition of the President, no further exploration would, in my judgment, have been justifiable. And afterward there was every reason to believe that the ball was becoming encysted (as, indeed, was the fact), and that all the harm that it was capable of doing had been done, and that its presence would be the source of no additional danger. Nor, indeed, would it have been possible, I think, to find the ball, by any means known to surgery; the autopsy showed that, in traversing the fractured rib, the bullet had, as it were, turned a corner, and was lodged in a position where it certainly would never have been looked for. To find a needle in a hay-stack is, no doubt, a possible though a difficult task; but the attempt has at least the advantage that it involves no greater risk than a fruitless expenditure of time and patience upon the part of the searcher. But to find a lost bullet in the soft tissues of a man's abdomen is a very different matter. To consider but a single point: death eventually resulted from an artery giving way in proximity to the wound, and from the blood bursting into the peritoneal cavity; or, in other words, from secondary hemorrhage and from peritoneal rupture. How long and how thoroughly could the surgeons have probed and explored the President's wound without causing primary hemorrhage, and without endangering the integrity of the peritoneum?

Did the President receive sufficient nourishment? This question I must answer in the negative. My allowance for hospital patients after severe wounds or operations, when they can take only liquid food, is five pints of milk daily for an adult, and three for a child. The President was certainly insufficiently nourished throughout almost his entire illness. But whenever an attempt was made to increase his diet, his stomach rebelled, and the supply of food had to be again diminished. All the nourishment was given that could be retained and assimilated, and the great and strong vitality of the man was shown in nothing more than in the fact that he lived so long with so little for life to be sustained upon.

Ought a more persistent attempt to have been made to render the wound aseptic? I am not, individually, an advocate or great admirer of what is called "Listerism," and do not think that such an attempt would have been judicious. The antiseptic method, as far as it was adopted, certainly did not either avert death or prevent septicæmia, and though the followers of Professor Lister would probably maintain that it failed because it was not carried out in all its details, I confess that I should have been unwilling, had I had the responsibility of the case, to make any further efforts in this direction than were made by the surgeons in attendance. I believe that the disturbance of the wound, which would have been unavoidable in an attempt to render it completely aseptic, would have done more harm than asepticism would have done good.

Finally, was the President's wound necessarily a fatal injury? The answer to this question must be somewhat qualified. Given a case precisely like the President's, and it must no doubt terminate in death; but the case might be different while the wound was similar. Certain wounds are *per se* necessarily fatal; such are extensive wounds of the aorta or vena cava, most wounds of the heart, wounds of the upper part of the cervical spinal cord, etc. But a gunshot fracture of the lumbar vertebræ, though an extremely grave injury, cannot be placed in the same category. If the President had been a youth of twenty, instead of a man of fifty; if all his organs had been perfectly healthy (his liver was enlarged and fatty, and his kidneys probably diseased); if he had been entirely free from care and anxiety, and not worn down as he was by the trials and dreadful responsibilities of his high office; if he had been able, all through his illness, to consume

and digest an ample quantity of nutritious food; with the same wound, and with the same skillful and unremitting care on the part of his medical advisers and attendants, the case might possibly, though not probably, have terminated differently. To which series of "*ifs*," his attending surgeons might very properly reply that *if* by a strange convulsion of nature the sky should descend in sufficient proximity to the earth, no doubt the capture of larks would be more readily effected than it is at present.

Looking at the whole case, from beginning to end, I do not see that the treatment could have been altered in any way to the advantage of the illustrious patient; nothing was done that should have been omitted, and nothing was left undone that could possibly have been of benefit.

JOHN ASHHURST, JR.

DR. SIMS.

THE President died of septic infection of the blood. It was blood-poisoning, whether called pyæmia or septicæmia.

The source of this infection is the subject of inquiry.

"The ball entered the body on the right side, at a point three inches and a half from the spinous process of the first lumbar vertebra. It fractured the eleventh rib, was then deflected downward, fracturing the twelfth rib, and passed across the axis of the body through the spinal column, in front of the spinal cord. It fractured the body of the first lumbar vertebra, and drove a number of small fragments into the adjacent soft parts. And it lodged about two inches and a half to the left of the spine, below the pancreas and behind the peritoneum, where it was found completely encysted."

The post-mortem showed that the ball was, and had been for a long time, completely encysted. It was, therefore, harmless, and must be eliminated from the list of agencies supposed to have produced the septic condition of the blood.

The track of the ball from its cyst back to the vertebræ was obliterated for half the distance (about one inch), while the other half contained a simple coagulum of blood without pus. As there were no septic agents at work here, this, too, must be set aside from the list of possible septic sources.

Between the fractured ribs and the fractured vertebræ there was an abscess cavity of irregular shape, capable of holding,

perhaps, an ounce. From this cavity a narrow pus channel extended downward by the kidney, behind the peritoneum, into the right iliac fossa (the inner surface of the hip bone), capable of holding an ounce more.

This was, during life, supposed to be the course of the ball. These pus pouches, communicating with each other, had been washed out twice a day with antiseptic lotions. They were thus kept empty and clean. At the autopsy they were found quite free from pus. They were a possible source of infection. But, as they were continually kept empty and disinfected, there is every certainty that they did not exert any appreciable evil

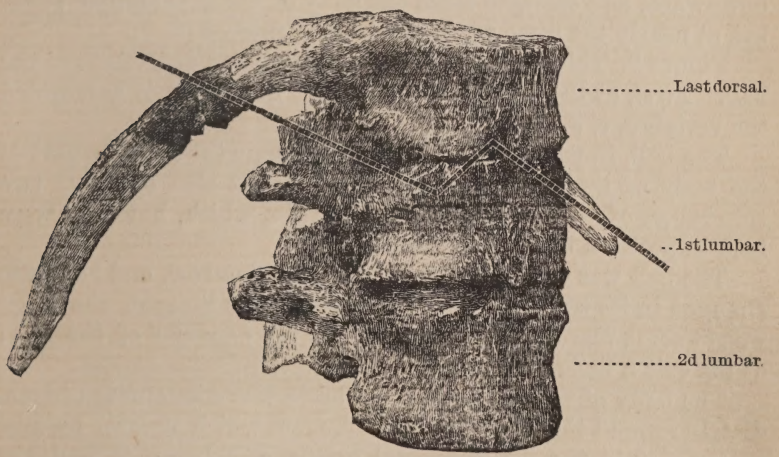

Fig. 1.

influence over the result. Indeed, if these two little pus pouches had been the only sources of blood-poisoning, the President would have been up in a fortnight or three weeks, and, with irrigation and cleanliness, he could have gone on for years without any serious inconvenience. So we may drop these from the possible sources of infection.

There remains, then, only the condition of the fractured vertebræ to be considered.

Figure 1 represents the last dorsal and the first and second lumbar vertebræ. The dotted line shows the course and direction, the entrance and exit, of the ball.

The ball fractured the right eleventh rib, and was then deflected downward, fracturing the twelfth rib. It then struck

the right side of the body of the first lumbar vertebra, and was deflected upward through the intervertebral cartilage into the body of the twelfth dorsal vertebra, where it was again deflected

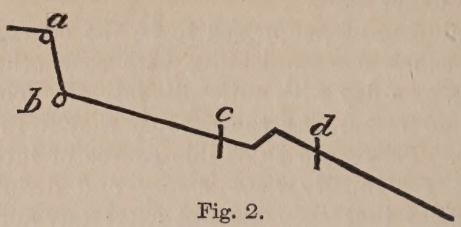

Fig. 2.

downward, and emerged from the body of the first lumbar vertebra at nearly the same angle at which it entered it.

Figure 2. This diagram shows the course and deflections of the ball. *First*, at the fractured ribs, *a*, *b*. *Second*, as it perforated the vertebra, *c*, *d*.

The ball, in passing, made a deep fissure in the anterior part of the body of the twelfth dorsal vertebra. It also split off two thin layers of bone from its lower margin, which, however, were held in position by the periosteum.

The ball was 42-100ths of an inch in diameter, and but little changed in its transit. The canal made by it through the spine was at some places a third larger than the diameter of the ball; at the exit a little more.

The body of the first lumbar vertebra was comminuted immediately around the track of the ball, from which several fissures extended into the intervertebral cartilage, between it and the second lumbar vertebra; the same condition existed in a minor degree in the last dorsal vertebra.

Figure 3 shows the vertebræ sawn open, longitudinally and nearly centrally. It is plainly seen how the cancellated structure of the first lumbar vertebra was shivered, and how the upper vertebra (the twelfth dorsal) was also badly injured. A large part of the intervertebral cartilage, between the first and second lumbar, and of that between the first lumbar and last dorsal vertebra, was destroyed by suppuration. And these two intervertebral spaces and the cancellated structure of the two broken vertebræ were full of ichorous pus.*

* Notwithstanding the proximity of these lesions to the spinal marrow, there was no evidence of inflammatory action in its structure or investing membrane.

This is what we call a compound, comminuted fracture; compound, because it had a vent externally; comminuted, because it was broken into little pieces. A compound, comminuted fracture, wherever situated, is always a serious affair. But when it involves the spine, it is the worst of all fractures. It is difficult to protect the system against the dangers of a compound fracture, even when we know all about it, and can have access to it. Its danger consists in the inflammatory action necessary for repair. Where the injury is extensive and deep-seated, giving rise to free exudation of vitiated pus, death is rapid. Where there is but a small quantity, the system is more slowly infected, and death ensues from gradual blood-poisoning. Pyæmia is more readily produced by injury of bones than by injury of soft parts.

First. Because septic matter is more easily dislodged from the latter than from the former.

Second. Because the inflammatory products of bone are more readily absorbed by its open venous sinuses.

The source of infection was, then, the injury and consequent inflammation of the vertebræ. The poisonous pus there generated was small, and the infection was slow, but none the less sure.

Fig. 3.

The immediate cause of death, or rather the manner of death, is supposed to be by rupture of a false aneurism of the splenic artery. Some think that the artery was wounded by the impact

of the ball at the moment of the injury. Others say: If the splenic artery had been opened at the moment of injury, the blood would have run out at the point of least resistance, which would have been in the direction of the track of the bullet, back to the spine. But this track was found at the autopsy to be obliterated. Therefore, the weakened coats of the artery must have given way at a later period. The everted edges of the slit in the splenic artery were united by firm adhesions to the adjacent connective tissue. Therefore, the rupture of the artery may have happened during the act of embalmment.

I have been asked by a layman, a great jurist and statesman (Senator Edmunds), "Why does wound of bone produce more dangerous sepsis than wound of soft parts?"

The answer is simple. Veins, when cut or lacerated, act as absorbents, and take up foreign matter, whether benign or poisonous, and carry it directly into the circulation.

The veins in soft parts (with two or three exceptions) are surrounded by a small amount of elastic and muscular tissue, and some veins have a longitudinal net-work of muscular fiber. Such veins, when cut or wounded, contract, close up by their natural contractility, and oppose thereby a barrier to the ingress of foreign substances.

The muscular coating is wholly wanting in the veins of cancellous structure of bones. And they lie in tortuous, bony canals, to the walls of which their thin coats are closely adherent. When opened by accident, they have no power to contract.

Hence, when bony structure is divided, or in any way wounded during life, these veins remain patulous, and thus absorb, in a purely mechanical way, the fat set free by the rupture of marrow cells; and in the case of gunshot, or other compound fractures, septic products of the wound are readily absorbed. As a consequence, more or less fatty embolism accompanies every fracture, even simple fractures, in which, however, it never produces any symptoms. In compound fractures a variety of serious symptoms have been attributed to fatty embolism. But the researches of Scriba prove that all of them belong to the septicæmic process, and are really due to septic products.*

It was unfortunate that a correct diagnosis could not have been made at once in the President's case.

* See J. Scriba: Untersuchungen über die Felt embolie. Zeitschrift für Chirurgie. Bd. xii., 1879-80, S. 118.

The deflections of the ball, as shown in Diagram 2, account in some degree for this. The ball passed into the body for perhaps an inch (*a*), then was deflected downward at a right angle for more than an inch (*b*), and then was deflected at another right angle toward the spine (*c*, *d*).

It will be seen how difficult, almost impossible, it was to probe such a rectangular, zigzag canal as the ball made in this case. And how could any one find the course of the ball if it were impossible to follow its track with a probe? In this case the probe could not be passed in any other direction than downward in the line of the ball's first deflection.

But if the course of the ball could have been ascertained, the result would have been precisely the same. The surgeons could only have kept the pus pouch between the fractured ribs and spine, and the one extending down into the pelvis, empty and clean. This they did all the time, as the history of the case and the autopsy show. They could have done nothing whatever for the results of the compound, comminuted fracture of the two vertebræ. From the very nature of this part of the wound, death was, sooner or later, inevitable.

Pyæmia was suspected by many long before there were any local evidences of its existence.

Its first unmistakable symptom was on the 22d of July, when there was a violent chill, followed by a pulse of 132, and temperature of 103. The frequent recurrence of chills with febrile exacerbations at irregular periods, proved beyond doubt its continued progress.

Its next tangible manifestation was the swelling, inflammation, and suppuration of the parotid gland.

Its next was in the lung complication. The collection of pus found between the liver and colon may or may not have been a pyæmic deposit. And so with the small abscess on the top of the left kidney.

If the President had lived a month longer, he would certainly have had several similar deposits in distant and various parts of the body. His natural strength of constitution was shown by its power of resistance to this gradual but universal blood-poisoning. But for the injury to the spine, the President would have recovered, and I must here repeat that with this injury it is a marvel that he lived so long.

The attending surgeons of the President have been severely and unjustly censured by some of the press, and even by some of the medical profession.

A correct diagnosis is essential to successful treatment. It is the basis of all treatment. But we may diagnose accurately, and yet our patient dies when the wound is mortal. We may fail to diagnose correctly and our patient dies, for the same reason, that the wound is mortal. In a mortal wound, the diagnosis, true or false, is powerless to save life. And so it was with the President. His wound was mortal, whether diagnosed correctly or not. And it is uncharitable and ungracious to blame the surgeons in the President's case for its fatal termination. They did all that men could do; all that the present state of science would permit; and all that could have been done, even if they had at first ascertained the course and direction of the ball. Medical science is not yet an exact one. It is in a transition state. Although it is progressing with wonderful rapidity, the time will, I fear, never arrive when such cases as the President's may be treated with any more certainty of success than at the present day.

Of fatal cases of gunshot wounds of the lumbar vertebræ, the Army Medical Museum at Washington affords many illustrations. And, judging from what we there see, it is altogether probable that no man has ever yet recovered from such a wound as the President had. Indeed, our whole medical literature does not contain a single well-authenticated case of recovery from such a wound.

Mr. Lincoln's wound was instantly fatal. Mr. Garfield's was as certainly mortal.

Men sometimes recover from wounds of the brain. Baron Larrey reported cases of encysted balls remaining for years in the brain without inconvenience. I know a gentleman (a Confederate soldier) who was shot during our war in the base of the brain, as Mr. Lincoln was. He is still living, with the encysted ball in the brain.

In the surgical history of our great civil war, we find recorded nineteen cases of balls lodged within the cranial cavity without causing immediate death. In many cases, missiles were extracted from the brain. Some of these recovered, and some died. Many survived perforating gunshot wounds of the brain, but in such a state of complete disability that death would have been preferable.

Thus it is seen that gunshot wounds of the brain are really less dangerous than are such wounds as the President's.

View the President's case as we may, he had not the least chance of recovery under any circumstances, or any treatment.

Without the wound of the vertebræ, it would have been impossible for him to die. With it, it was impossible for him to live.

J. MARION SIMS.

DR. HODGEN.

PRESIDENT GARFIELD was wounded at 9.20 A. M., July 2d, 1881, by a conical ball, $\frac{42}{100}$ of an inch in diameter; the assassin standing six feet behind and a little to the right, and firing just as the President was in the act of turning to the left.

"The ball penetrated the skin opposite the tenth intercostal space—four inches to the right of the spine—shattering the eleventh and simply breaking in two the twelfth rib, passing through the sub-pleural portion of the diaphragm, just above the right ligamentum arcuatum externum" (Weiss, in "Medical Record," August 8th, 1881). "It tracked through the connective and adipose tissue behind the superior portion of the right kidney and the twelfth rib to the spinal column. It pierced the attachment of the right psoas magnus muscle to the first lumbar vertebra."

"It was found that the bullet had penetrated the first lumbar vertebra in the upper part of the right side of its body. The aperture by which it entered involved the intervertebral cartilage next above, and was situated just below, and anterior to, the intervertebral foramen, from which its upper margin was about one-fourth of an inch distant. Passing obliquely to the left, and forward through the upper part of the body of the first lumbar vertebra, the bullet emerged by an aperture the center of which was about one-half inch to the left of the median line, and which also involved the intervertebral cartilage next above. The cancellated tissue of the body of the first lumbar vertebra was very much comminuted, and the fragments somewhat displaced. Several deep fissures extended from the track of the bullet into the lower part of the body of the twelfth dorsal vertebra. Others extended through the first lumbar vertebra into the intervertebral cartilage, between it and the second lumbar vertebra. Both this cartilage and that next above were partly destroyed by ulceration. A number of minute fragments from the fractured lumbar vertebra had been driven into the adjacent soft parts."

It was further found that the right twelfth rib also was fractured, at a point one and one-fourth inches to the right of the transverse process of the twelfth dorsal vertebra.

"On sawing through the vertebra, a little to the right of the median line, it was found that the spinal canal was not involved by the track of the ball. The spinal cord, and other contents of this portion of the spinal canal, presented no abnormal appearances. The rest of the spinal cord was not examined" (Post-mortem Examination, "Medical Record," Oct. 8, 1881).

"It emerged from the left of the spine, pierced the left psoas magnus muscle attachment, and entered a plane of connective and adipose tissue between the left kidney posteriorly and the left half of the pancreas anteriorly. It crossed the posterior surface of the pancreas obliquely to the left, and from above downward to its point of lodgment. It wounded the splenic artery in its transit across the pancreas" (Weiss, "Medical Record," October 8th, 1881), lodging "in the adipose connective tissue immediately below the lower border of the pancreas, and about two and one-half inches to the left of the spinal column, and behind the peritoneum" (Post-mortem, "Medical Record," page 400).

Doctor Bliss saw the President soon after the shooting, and says ("Medical Record," October, 1881):

"He presented the appearance of perfect collapse; the lines of expression were lost; there was extreme pallor, sighing respiration (about eight or ten per minute), pulse exceedingly small, feeble, and frequent, and ranging about 120 * * * he had recently vomited * * * while he was unconscious * * * large drops of perspiration stood upon his face and forehead, hands and forearms." * * * After being removed to the White House, "the pulse continued feeble, frequent, and extremely compressible, the respiration was slow and sighing, extremities and surface cold, with occasional vomiting and profuse perspiration over the entire body; voice husky.* * * Water was given in small quantities, frequently repeated. This was necessitated by the extreme thirst from which the patient suffered. * * * There was but little change in the condition of the patient, either in temperature, respiration, or pulse, until about eleven o'clock * * * the respiration became more frequent and easy; the pulse responded but little to stimulants; nausea and vomiting continued at intervals of thirty minutes during the entire day until 7 P. M., when it became less frequent, with less retching—in fact, being simply a regurgitation of the fluids of the stomach. This condition continued at longer intervals until six o'clock on the following morning."

At 5.30 P. M. (July 2d), "the clothing was removed from the body by being cut in such a manner as to prevent any motion or agitation, and to permit the more successful application of dry heat by warm flannels to the entire body. * * * At 10 P. M. the pulse was 158, temperature over 96.50, respiration 35, which was the most critical period attending the collapse. At 11.20 P. M. the evidences of reaction began to manifest themselves. Until 2 P. M. of July 3d, the variations of the pulse were comparatively slight, ranging from 104 to 120, the respiration being normal. * * * At the evening consultation, July 2d (7 P. M.), the opinion was expressed by some of the medical gentlemen invited to the case, that internal hemorrhage had taken place, and that he would not survive the night. * * * The symptoms of profound collapse were so grave that Surgeon-General Wales was induced to express

the opinion that the President was dying. * * * The opinion obtained, and was so expressed to the council, that internal hemorrhage was then taking place, and that the extreme prostration, and feebleness of the respiration, were due to that cause. * * * All the physicians visited the White House at 8 A. M. July 3d, for the morning consultation, agreeably to a previous understanding that such should be the case if the President survive the night." (Dr. Bliss, in "Medical Record.")

This portion of the history of the injury received by President Garfield is given in this condensed form, and thus connected, that the attention of the reader may be easily fixed on the condition that led to, and the prominent symptoms of, the profound shock that immediately followed the injury.

Dr. Bliss found him, a few minutes after the shooting, presenting "the appearance of perfect collapse; the lines of expression were lost, there was extreme pallor, sighing respiration (about 8 or 10 per minute), pulse exceedingly small, feeble, and frequent, and ranging about 120."

"The severity of the shock is indicative of the amount of the mischief inflicted" (Erichsen, Surgery, page 143). The profound shock, taken by itself, in a man robust, healthy, temperate, and self-possessed as President Garfield, indicated a very grave injury. Thus far, in point of time, the shock pointed only to the nervous exhaustion due to mechanical violence done the nervous system. After reaching the mansion, Dr. Bliss again writes, "Water was given in small quantities often repeated. This was necessitated by the extreme thirst from which the patient suffered." At 7 P. M. July 2d, Dr. Bliss says:

"The symptoms of profound collapse were so grave that Surgeon-General Wales was induced to express the opinion that the President was dying. * * The opinion obtained, and was so expressed to the council, that internal hemorrhage was then taking place, and that the extreme prostration and feebleness of respiration were due to that cause, and that the President would not survive the night."

So general was this opinion on the part of the physicians present, that the consultation proposed on the following morning was made conditional on the survival of the President through the night. Here is the strongest evidence that the collapse was becoming more profound, and this condition was based on the supposition that hemorrhage was then taking place. Simple shock, dependent on injury to the nervous system alone, is usually brief; if added to this nervous shock there be free hemorrhage,

the collapse will be prolonged. The thirst which demanded frequent draughts of water is still another evidence that the collapse was dependent in part on loss of blood. The wound of the splenic artery, the evidence of which was presented at the post-mortem examination,—in a false aneurism,—is sufficient to account for the prolonged collapse which came so near to terminating the life of the President within twelve hours from the receipt of the injury.

The instantaneous fall, the immediate unconsciousness, and the quick emesis while yet unconscious, find a ready explanation in the proximity of the upper lumbar ganglion of the sympathetic, the semi-lunar ganglion, and the solar plexus to the track of the ball, if indeed it shall not, on a more thorough examination, be found that one or another of these nerve centers and tracts was injured by the direct contact of the ball, or a splinter of bone from the fractured rib or vertebra.

To my mind, the escape from death within six hours after such extensive injuries in a locality so crowded with vital parts, is simply incomprehensible, and I feel quite sure that one less vigorous than President Garfield must have died from shock. The immediate unconscious vomiting can hardly be attributed to shock of the general system; for, though vomiting often occurs from general shock, it does not occur until the shock is passing off; this, on the contrary, occurred during the first moments after injury, while the patient remained unconscious; it must have been from a direct injury of the centers supplying the stomach. In none of the reports which I have seen is this first act of emesis described, so that I am permitted to infer that the contents of the stomach were ejected by the contraction of its walls, and not, as occurs generally, by the aid of the diaphragm and abdominal muscles.

"The President complained of a sense of weight and numbness, and subsequently of a tingling sensation and pain in the lower extremities, * * * with constant complaint of severe pains in the inferior extremities. * * * A hypodermic injection of an eighth of a grain of morphine and an eightieth of a grain of atropia was administered to control the pain of the extremities. * * * The use of morphine hypodermically in doses of sufficient quantities to control the pain in the extremities was advised. * * * At 10.45 P. M., July 3d, the pain and soreness in the lower extremities was measurably controlled by the administration of morphine. * * * On the evening of July 4th, the pain and hyperæsthesia had nearly disappeared, soreness of the feet supervening and continuing for some days."

The above quotations from Dr. Bliss ("Medical Record," October 8th, 1881) point distinctly to disturbance of the spinal cord, and the following from the same source admits of a similar explanation:

"The urine was retained until 6 o'clock P. M. (July 2d), when * * * six ounces * * * were drawn."

The post-mortem report has the following: "The spinal cord and other contents of this portion of the spinal canal presented no abnormal appearance." If, then, the pain, hyperæsthesia, and soreness of the inferior extremities be attributed to the spinal cord at all,—as they must be,—this disturbance must be regarded as due to concussion rather than to lesions, which would leave permanent traces of the injury.

On page 395 of the "Medical Record," October 8th, 1881, Dr. Bliss uses the following language, in summing up the evidence which the medical gentlemen in attendance took into account in arriving at a knowledge of the parts injured: "Gradual subsidence or modification of pain and hyperæsthesia of the feet and scrotum." The post-mortem record holds the following language in speaking of the entrance of the bullet into the first lumbar vertebra: the opening was "situated just below and anterior to the intervertebral foramen, from which its upper margin was about a quarter of an inch distant." Assuming that the pain and hyperæsthesia of the scrotum were confined to the right side of the scrotum, we may consider that this was due to a disturbance of the branch from the last dorsal nerve which descends to join the lumbar plexus.

Dr. Shrady informs us ("Medical Record," October 8th, 1881, page 404) of a wound of the splenic artery and the formation of a traumatic aneurism, as follows:

"The wound of the splenic artery gave rise to a traumatic aneurism which undoubtedly commenced to form immediately, and it was the final rupturing of this sac into the cavity of the peritoneum which, as is now well known, caused the death of the patient, and satisfactorily explains all the symptoms during the last hours of his life.

"The ball was thoroughly encysted; and the portion of the track adjoining it, for a distance of an inch, was completely closed. The position of the blood-sac evidently accounted for both of these conditions. This aneurism, situated to the left of the spinal column, and between the latter and the ball, apparently pressed upon that portion of the track next the missile, and closed it. At the same time, as can be easily understood, the aneurism was thus

placed in the direct track of the ball. This is certainly a very significant fact in connection with the probably fatal results in case any extensive explorations of the bullet-wound had been attempted. The aneurism was lined by concentric layers of fibrine, which showed nature's efforts to obliterate the sac in the usual manner.

"The evidences that the sac had not formed recently were made clear by a study of its pathological conditions. The opening in the splenic artery was on the superior and posterior aspect of its tortuous trunk, directly in the track of the ball. The edges of this opening were sharply defined, but were gradually beveled to be incorporated with the walls of the attached blood-sac. This condition indicates that the coats of the artery were cut completely through, during the transit of the ball, and were not merely grazed and afterward opened by ulceration. It would thus appear that the aneurism was formed immediately after the injury, and at that time attained its full size. Besides, the sac itself was evidently of long formation, as was shown not only by the firm condensation of its tissue and its intimate attachment to the edges of the cut in the artery, but by the number and apparent age of the concentric layers lining it. The burst portion of this sac was on its left anterior aspect, where not only its walls but the different concentric layers were thinnest." ("Medical Record," October 8th, 1881.)

That the President did not die quickly from the wounding of the splenic artery, can only be explained by the influence which the nervous shock had in almost suspending the heart's action, and thus inducing a very tardy flow of the blood through the vessels, permitting the formation of a sufficiently firm clot to check the flow. This clot became the site of an aneurismal sac, with well-defined laminated walls, which effectually prevented a recurrence of the hemorrhage until the general lowering of the vitality favored the disintegration which finally softened and permitted a rupture of the sac, leading to a final hemorrhage which terminated the life of the patient.

We find in the shattered, spongy body of the first lumbar vertebra, as described by Dr. Shrady ("The body of the first lumbar vertebra presented the appearance of carious degeneration in the course of the wound, and as far as could be judged by an examination of the dried specimen, the intervertebral cartilages above and below it were involved in the same necrotic process"), the most advantageous conditions for the absorption of the products of decomposition which give rise to septicæmia; for we have here not only cancellated tissue of bone becoming carious, but a direct though tortuous communication extending to the suppurating track, which had a branch to the track which formed in the loose subperitoneal tissue leading to the iliac fossa,

which last was thoroughly washed through drainage tubes and thus kept sweet, while the other track connected with the shattered vertebra was not found, and was not thus kept free from putrefactive influences.

In gunshot wounds involving vital parts, the question of determining the position of the ball is a delicate one. I think that good surgery dictates that in case of a ball passing through the ribs, whether in the direction of the abdominal or thoracic cavity, the surgeon is not justified in passing a probe beyond the inner surface of the ribs; and that when a ball has passed beyond this point, it is practically lost to the probe. If the ball have entered the peritoneal sac, of course its track cannot be followed; and if it enter the loose cellular tissue that lies between the peritoneum and the muscular wall of the abdomen, the resistance offered by the loose tissue will be so slight that a probe may be passed into it in any direction with great ease,—so much so that no surgeon could be sure whether the probe had followed the ball or had made its own passage in the connective tissue. When, then, the surgeons had determined that the ball had passed through the muscular wall of the abdomen, the probe could be of no further service in determining the position of the bullet. They were therefore left to the rational symptoms to determine its track.

The sense of weight and numbness and, subsequently, the tingling sensation and pain in the lower extremities (see Dr. Bliss, page 393), without loss of voluntary motion in the parts below the injury, would indicate the injury of nerve trunks distributed to the parts in which sensation was disturbed, or to a shock of the spinal cord at the point of origin of the nerves supplying the tingling, painful, numb parts. The nerves passing near the track of the ball after passing the ribs, were those supplying the lower part of the abdomen, scrotum, and anterior parts of the lower extremities; and if the pain were in the left as well as the right extremity, the spinal cord must have been shocked, or the nerves given off from it going to the left extremity must have been injured. This would have left the impression in the mind of the surgeon that the ball had passed sufficiently near the spinal cord to cause a disturbance of that part, or sufficiently near the nerves given off from the cord, and going to a part of the inferior extremities, to disturb their filaments. Now, so far as disturbing the nerves on the right side is concerned, this

might have been accomplished by the ball passing downward toward the pelvis; but to disturb the left lower extremity, it, or some other foreign matter, must either have passed into the spinal column or beyond it, in such a way as to have injured nerves from both sides of the spinal cord.

On the 4th of July a consultation was held, during which—

"A careful review of the case from the time I [Dr. Bliss] first saw the President was given to these gentlemen, with the request that they, with the data before them, examine the case thoroughly, as though it was their own, and freely express their views of the character and gravity of the injury and the course of treatment of the case up to that time. I also gave them a detailed account of the explorations made in the wound, and the unsettled convictions then held as to the course of the missile and the organs involved in the injury. They individually examined the wound with great care. These examinations consisted in the introduction, in different directions, of probes, flexible bougies, in order, if possible, to determine the course of the ball. With the evidence developed by this personal examination, together with the complete history of the shooting of the President, and the progress of the symptoms for the first forty-seven hours, they proceeded to discuss the possible course of the ball, and organs involved, viz., whether it passed directly forward into or through the liver, or was deflected backward at a right angle so as to involve the spinal column, or downward behind the peritoneum toward the pelvic cavity. Carefully weighing all the evidences, the more prominent symptoms upon which the diagnosis was based are presented in the following order:—The relative position of the assassin to the President at the time of the shooting; the direction of the ball through the tissues so far as safe exploration could determine; gradual subsidence or modification of pain and hyperæsthesia of the feet and scrotum; the repeated unsuccessful efforts to pass a probe or flexible instrument more than one-half inch in any direction beyond the fractured rib, except in a direction downward, a little forward and anterior to the twelfth rib, a distance of about two inches. The fact also was considered that exploration had twice been made with the finger—once by myself soon after I reached the injured President, and subsequently by Surgeon-General Wales, of the Navy, on the occasion of the consultation on the evening of July 2d; and in each instance it was found impossible to successfully explore by that means beyond the inner border of the fractured rib so as to determine with accuracy the course of the ball, or even the condition of the tissues indicated by the end of the finger. Nor did they underestimate the significance of the profound shock, nor the unusual period of collapse which followed, and seemed to point to extensive lesion of important viscera. However, that the kidneys, intestines, and peritoneum were not immediately involved, was made patent by the unrestrained passage of normal urine at proper intervals, the spontaneous movement from the bowels of natural fæces, the frequent discharge of flatus, and the absence of other symptoms of peritonitis. With all these facts before them, it was impossible to determine positively the course taken by the ball. The indications pointed to a downward course of

the ball into the pelvic cavity. Upon careful consideration of the foregoing facts, and of the opinions expressed by the distinguished council, we were inclined to recede from the opinion at first adopted regarding the supposed passage of the ball through the liver. The propriety of making extensive incisions and dissections so as to explore the fractured ribs and remove as much as might be necessary to reveal the true course of the ball, was duly considered. But the opinion was maintained that the favorable progress of the President thus far did not warrant any interference, and further, such an operation would seriously complicate the case, and diminish the prospects of recovery. The facts revealed by the autopsy confirm the wisdom of the course pursued. With this view all the surgeons concurred."

Under the circumstances, what could have been more unwise than to have made further explorations, either with the finger, probe, or knife?

On the 23d of July, a sac of pus was defined below the twelfth rib and underneath the latissimus dorsi muscle. "On August 18th, a slight tumefaction of the right parotid gland was noticeable" (Bliss, "Medical Record," page 396). Pus afterward found a discharge into the throat, and an external opening was made.

"On August 19th, a small slough was discharged from the lower pus-track, when the flexible catheter was readily passed downward a distance of twelve inches toward the right iliac fossa. This channel was kept free from accumulations by passing into it carbolic or permanganate water from the hand fountain heretofore described, at the same time carefully withdrawing the catheter, so as to avoid undue distension of the track" (Bliss, "Medical Record," October 8th, page 397).

The flexible probe had taken a direction downward after passing the ribs, and now a flexible catheter passed downward twelve inches toward the right iliac fossa,—and later, a distinct thickening could be felt through the emaciated abdominal wall, at a point corresponding to the supposed end of the sinus running downward. The pain, numbness, and hyperæsthesia of the lower extremities had entirely disappeared at this time, and under these circumstances it was reasonable to conclude that the ball had finally found its way to the bottom of the sinus which terminated in the right iliac fossa. While the surgeons were satisfied that the ball was in the right iliac fossa, and so situated that it could be removed had it really occupied that site, yet they were so convinced that the grave symptoms were not dependent on the sinus that coursed downward, or on the presence of the

ball at the supposed site, that they thought it not desirable to make a counter opening in the one or remove the other.

Besides the extracts above made from report of Dr. Bliss, the treatment consisted in the beginning of the use of morphine hypodermically to relieve pain and secure rest, and it is remarkable how small was the quantity required.

"It must be remembered that quinine had been given in tonic doses much of the time, and when periodicity was noticeable, sedative doses were administered for a period of twenty-four hours at a time" (Bliss, "Medical Record," page 397).

Strict attention was given to nourishing the patient.

In reviewing the history of the case of President Garfield, I can find no reason for adverse criticism of any part of the management. I do not find that anything that was done, either at the examination or in the treatment, tended to hasten death, or in any way to unfavorably influence the progress of the case. Any probing beyond the inner surface of the ribs I believe was of no value. It was never possible at any time prior to the post-mortem examination to have known of the existence of the sac of pus revealed at the examination, or to have known the existence of an aneurism of the splenic artery. Possibly a careful examination by auscultation might have indicated the existence of an aneurism, but the artery on which it was situated could not be known, or its relations determined. Had the site of the ball been known, it could not have been removed. Had the site, character, and relation of the aneurism been known, the vessel could not have been ligated. Had the presence of the pus cavity been recognized, it could not have been evacuated without hastening the fatal termination.

Finally, if the pus cavity had disappeared harmlessly,—if the aneurism had been spontaneously cured,—if the bullet had remained encysted,—the injury of the spine, with the carious conditions of the bones, and the ulcerating intervertebral cartilages, must have left the President a deformed invalid.

JOHN T. HODGEN.

REFORM IN FEDERAL TAXATION.

"THE surplus revenues justify the reduction of taxes at an early day." So said the Republican State Convention of New York, October 5th, 1881. "We protest that too much revenue is raised." So said, on the same day, the Democratic State Convention of Massachusetts, and could the people of the United States generally, by whatever name they may choose to designate themselves politically, be questioned on the same subject, the answer which without doubt they would substantially make would be, "So say we all." Nevertheless, the demand for reform in Federal taxation, thus far, is based upon little more than a sentiment on the part of the great majority of our people. They know generally that far more revenue is raised annually by the Federal Government by taxation than is necessary to meet all its ordinary expenditures. And although they may have never read anything on the subject of political economy, nor have discussed nor given a thought to the philosophy and incidence of taxation, they all know, in addition, and as it were instinctively, that excessive taxation is always an evil and a burden; and that the higher the taxes, even though they may pay nothing directly to the tax-gatherer, the higher their rent and the greater the cost of their food, their fuel, and their clothing. The masses, therefore, without further inquiry, are ready to welcome the opportunity which they feel is now offered for tax reform in direction of tax reduction. On the other hand, it is sufficient for the politicians to recognize that a sentiment for tax reform finds favor among the people: for they know full well that nothing is likely to be more popular and politically effective than a demand for a reduction of taxation; and that no charge more damaging to a party can be preferred than that of accountability for the continuance of high taxes. The two great political parties of the country, without

stopping to fully acquaint themselves with what is involved in the new policy, have, therefore, hastened, as we see, to put themselves right upon the record. It needs, however, but a very slight study and examination of our national fiscal condition to satisfy that back of this popular demand for reform in Federal taxation there is something a good deal more serious and substantial as basis than a sentiment, and also that the questions involved in such reform, which are certain to soon occupy the attention of the public, are of such a nature as will compel the ordinary politician to think twice before he fully determines upon which side he will commit himself. Let us, then, briefly call attention to the results of such an examination.

The existing system of Federal taxation was framed to meet exigencies which have long passed away. The amount of revenue in excess of all ordinary expenditures of the Government and for interest, at present collected by Federal taxation from the pockets and industries of the people, is considerably more than one hundred millions of dollars per annum. Or, to put the case more specifically, the national expenditures, including interest on the public debt, but exclusive of contributions to the sinking fund for the payment of the debt, for the present fiscal year, which ends June 30th, 1882, will be about $250,000,000; while the revenues will aggregate more than $360,000,000. For the next fiscal year, assuming national expenditures and taxes to continue about the same, and that no substantial check is given to the industrial progress and prosperity of the country (and none can be reasonably anticipated, except as the result of our own folly), the national surplus revenue will be undoubtedly much greater, and will amount to one hundred and thirty, and possibly to one hundred and forty, millions; and for future years, under a continuance of the same conditions, this surplus is likely to continue to increase.

The total interest-bearing debt of the United States, on the 30th of September, was $1,593,102,250. The decrease in national debt during September, through payments, was $17,483,641; and during the quarter ending with that month it was $41,742,856. And yet, notwithstanding these large disbursements, in addition to payments on account of the ordinary expenses of the Government, the cash on hand in the Treasury, available in great part for the reduction of debt, reported on the 30th of September, was in excess of two hundred and fifty millions of dollars.

There have been a good many surprising things in the fiscal experience of the United States since the outbreak of the war in 1861, but there has been nothing more wonderful than the collection, in time of peace, with no demonstrations of opposition on the part of the people, of these large surpluses; a matter which finds no precedent in the history of any country. It is therefore reasonably certain that if no change is made in the present Federal tax system, the whole interest-bearing portion of our national debt will be paid off and extinguished in a period of about ten years; involving during that time a complete destruction of the present national banking system, enormous financial disturbances from the absorption, through payment, of numerous trust funds of individuals, savings-banks, and other corporations; and the necessity at the termination of the period of all at once radically changing and greatly reducing our whole Federal tax system; for no one can believe that the people of this country will be willing to continue to pay taxes, for the mere pleasure of it, when the necessity for payment has ceased to exist.

Again, let us also consider some of the more immediate effects of the continuance of the present Federal tax system and rapid debt-paying policy. The only present (October, 1881) remaining portions of the national debt payable at the option of the Treasury, are the so-called 3½ per cents resulting from the continuance of $178,055,150 of the 6's of 1881; and from the continuance of $400,869,950 of the 5's of 1881; a total of $578,925,100. Taking into account the progressive increase in the means of payment by the annual reduction of the national interest, and also the increase in the products of taxation arising from the continued development of the country, four years will amply suffice for the payment and extinguishment of all this class of our securities. After these come $250,000,000 of the 4½'s, payable in 1891, and $738,710,850 of the 4's, payable in 1907; the withdrawal and extinguishment of which in advance of the stipulated date of payment can only be effected by purchase by the Treasury in open market; an operation that evidently will not be free from embarrassments. For certain it is that the holders of these securities will not part with them before they are obliged to, except upon the condition of receiving the largest premium that they can force the Treasury to give; which, in the case of individuals, must be large enough to make a transfer to other and probably less secure investments clearly advantageous; and in the

case of banks, large enough to make it profitable for them to abandon their circulation, which of necessity they must do, if they part with what will then be the only basis for circulation. Supposing the country to acquiesce in the policy of the purchase of these bonds by the Treasury at a probable premium of 30 per cent. (present premium 13 per cent. on the 4½'s of 1891, and 15⅞ on the 4's of 1907), which is not probable, the country certainly could not and would not endure for any length of time the financial disturbances certain to arise from any spasmodic contraction of the bank circulation, or from the extensive withdrawal of money and its accumulation in the Treasury, which would almost inevitably be incident to any attempt to purchase bonds in any large amounts at a premium; inasmuch as the sales of such bonds, being wholly at the option of the holders, must almost of necessity be irregular and uncertain. It is not difficult, furthermore, to imagine a condition of things at an even earlier period, when the financial disturbances consequent on the possession and retention of a large surplus revenue by the Treasury would be so great as to occasion an almost irresistible popular demand for a repeal of the sub-treasury system, and a recurrence to the old and now almost forgotten expedient of using the banks as depositories of the public moneys, and of allowing the deposits to be loaned, as the only preventative of wide-spread financial disaster. If it be said, in reply, that all these possibilities are exaggerated, and not likely to occur, the answer is, that the only conditions under which they cannot occur are those contingent on an early reduction in the amount of the national surplus revenues through extensive reductions in Federal taxation, or of making the continuance of the existing system coincident with a very large increase in national expenditures. It is clear, therefore, that if not already, there soon will be something, as already stated, a good deal more serious than sentiment at the bottom of the demand for reform in national taxation; and the question of greatest moment at present before the people of the United States is: Shall the work of reform be entered upon at once, and with full time for its consideration, or shall we negligently, or through disagreements as to the details of reform, put off the work until urgent necessity enforces such hasty and radical legislation as to inevitably entail wide-spread fiscal disturbance and disaster? As the American people have never been accused of stupidity, there can be no question—when the points at issue are once understood—of a

unanimous agreement on the part of the public, to the effect that there shall be no delay in this matter of Federal tax reform, and that Congress shall enter upon its consideration at the earliest practical moment. But, on the other hand, it is equally evident to all who have given the subject attention, that in respect to the method of reform to be pursued, or as to what taxes in particular shall be reduced or abolished, there is not only no present popular agreement, but, on the contrary, the most opposite and extreme diversities of opinion, and that, in fact, the whole subject of tax reform is likely from the very outset to be beset with difficulties of the most perplexing and serious character. To the nature of these prospective obstructions, attention is next requested.

The first difficulty arises from the great lack of familiarity, or, to speak more explicitly, from the total non-acquaintance on the part of legislators, politicians, the organs and leaders of public opinion, and, in short, of almost the whole people, with the subject to be reformed, and the nature of the work to be done. The United States, since the year 1861, have had the largest and most varied experience in the theory and practice of taxation, Federal, State, and municipal, that has ever happened to any nation; and, practically, would seem to have learned little or nothing by reason of it. In fact, it is probably no exaggeration to assert that there are to-day in the United States more persons competent to discuss the nature and structure of the Sanscrit language than the philosophy, incidence, and ultimate influence of taxation; and lest this assertion should be deemed an absurdity, and subject the writer to the charge of most profound egotism, it is proposed to here submit certain evidence in its substantiation. The first witness we will call to the stand shall be Senator Edmunds, of Vermont, a gentleman to whom the public rightfully concedes the possession of a large measure of statesmanship, learning, and ability. In a speech at the opening of the political campaign, July 21, 1880, at Vergennes, in Vermont, Mr. Edmunds was reported as saying: "Everybody pays taxes at the North; nine-tenths of the only tax which the South pays is the whisky tax, and a little on tobacco"; and this same averment substantially was subsequently taken up and repeated, without challenge, by numerous other speakers on the Republican side, ex-Senator Conkling especially arraigning the South, in a speech delivered at the Academy of Music, in New

York City, in the following language: "Since the war, Ohio alone has paid more internal revenue than all the late Confederate States united. New York alone has paid nearly twice as much. If customs duties were added, the comparison would be still more striking." Now, the idea evidently intended to be conveyed by Messrs. Edmunds, Conkling, and others who spoke to like effect, was that New York, Illinois, and Ohio paid Federal taxes which the people of the South avoided, or from which, by reason of natural or voluntary conditions, they were exempt. But nothing could be more absurd and incorrect; and what sort of a conception must these gentlemen, with so much of legislative experience, have of the nature of taxation, if they really spoke from conviction, and not for political effect. For the people of the South, since the war, on all the articles from which the Federal Government derives internal revenue or customs, have, in common with the people of the North, paid taxes in exactly the same proportions—no more and no less—and according to their consumption of the taxed articles; always assuming the illicit evasion of taxes to be as great, comparatively, in one section as in the other. Thus, to illustrate, is it to be supposed that the people of the State of Illinois, when they paid last year (1880) to the Federal Government $19,585,000 on their domestic production and sale of whisky, charged the consumer only some twenty cents to represent the cost of manufacturing, and then, in the spirit of brotherly love and generosity to the whisky-drinker, paid the ninety cents Federal tax on each gallon out of their own pockets, and bore the burden and went on with their business? Or did they simply advance the tax equally with the cost of manufacturing, and was not the whole advance subsequently repaid by the man who bought and ultimately drank the whisky? And if the latter conclusion be correct, and if the South, as is generally charged, drinks more whisky, comparatively, than any other portion of the country, then is not the boot decidedly on the other leg, and should not the credit of contributing under this head to the Federal exchequer be awarded to the Southern States, rather than, as Messrs. Edmunds and Conkling would have it, to the States of Ohio and Illinois? And again, does anybody suppose that because New York City, during the fiscal year 1880–81, paid some $120,000,000 out of a total of $186,000,000 of customs revenue collected during the same time from the whole country, that the

people of New York were thereby any more burdened by the tariff than the people of the most remote part of the country? or that their regularly imported sugar and silk cost them a fraction of a cent more on account of duties than was paid by the people who consumed sugar and wore silk in Alabama or Colorado? And what is finally yet more remarkable is, that the Democratic party allowed these utterly absurd statements about the distribution of taxes to be preferred to their damage, and made no attempt to refute and expose them.

In further evidence, take also the results of the work of a commission appointed last winter by the Governor and Legislature of New York, to revise the local tax system of that State. They commenced by openly assuming that the system of New York, which is less effective, less creditable, and more unjust and immoral than that now in existence in any civilized state, was so perfect as to need only restrengthening by statute and the establishment of certain definitions; and they ended by recommending a tax on credits (trust mortgages), which no country in the Old World aspiring to commercial greatness has ever ventured to impose, and a tax on the sales of merchandise, which finds its best precedent in the "Alcavala" of the worst years of Spain, and may be studied instructively from the record of the tragic scenes which resulted from its imposition in Holland.

Consider, also, the argument recently presented in a circular of a prominent Philadelphia banker and politician, and which finds favor in many quarters, for an entire repeal of all internal revenue taxes, on the ground that the repeal would restore to the Southern States some new objects for taxation, of which "they are so greatly in want." Passing by the evident confusion of mind which gave birth to the idea that an impoverished State can find fiscal relief by spreading its taxes *thin*, rather than by concentrating them, what could be more impractical and absurd than that the States should be able separately to increase their revenues by taxation of the local manufacture of distilled spirits, fermented liquors, and tobacco—the only three subjects of taxation of any great importance of which the internal revenue system of the United States yet takes cognizance, and which yielded in 1880 exactly 90.6 per cent. of the total collections in this Department. Suppose, for example, the State of Kentucky should, in the event of the Federal Government relinquishing the tax on distilled spirits, take up the matter and impose a

special, discriminating tax of even so little as five cents per gallon on every gallon of distilled spirits manufactured within its territory and jurisdiction: and a smaller rate of tax would probably not be thought worth enacting. Yet, five cents per gallon is more than twenty-five per cent. of the average cost of manufacturing raw whisky; and if Kentucky should permanently impose such a tax, and the neighboring States of Ohio and Illinois should not follow her example, it would require no more time to transfer the business of distilling out of Kentucky and into Illinois and Ohio than would be necessary for the Kentucky distillers to move themselves, their skilled workmen, and their capital. And if it was proposed to have the tax apply to only so much of the domestic manufacture of whisky as was consumed in Kentucky, and to allow all exports of whisky manufactured within the State to go untaxed, the system of personal and business inquisition, restriction, and annoyance necessary to enforce such discrimination would not require more than a twelvemonth to occasion a political revolution. And what is true of distilled spirits is equally applicable to the manufacture of tobacco and fermented liquors.

And, passing from things particular to things in general, how grim was the satire and yet how keen was the truth embodied in the last year's joke of a comic paper, which put into the mouth of the gallant and gentlemanly Democratic candidate for the presidency, after the publication of his letter of acceptance, the following answer to an interviewer on the subject: "Tariff!! who is he?" and how well the party put themselves in alignment with their candidate on this subject, when, in ignorance of the material in their ammunition boxes, and of a decision by the United States Supreme Court (20 Wallace, p. 665) that taxation for any other purpose than public revenue exclusively is unconstitutional and inconsistent with the principles of a free government, they turned their backs on their old-time principles, and became frightened at the shadow of their own platform.

Take, also, the following, in illustration and evidence of how little the people of the country seem inclined to profit by their own experience in taxation. In 1865, Congress raised the tax on distilled spirits to $2 per proof gallon. The revenue directly derived from this tax during the first full year (1866) of its operation was $29,481,000, indicating a domestic consumption of about 14,500,000 gallons. Two years later (1867–8), under the

influence of frauds, which germinated naturally under the temptation of a tax which represented an advance of 1000 per cent. on the first cost of the article assessed, the direct revenue from spirits ran down 50 per cent., or to $14,290,000, indicating a domestic consumption of only about 7,000,000 gallons. In 1868, Congress, influenced by loss of revenue rather than by any other argument, reduced the tax to 50 cents per gallon, and one year afterward, or in 1869–70, the Government assessed and collected the spirit tax on 78,480,196 gallons, as compared with 7,000,000 two years before. In 1872, Congress, mainly on the recommendation of a commissioner who knew a good deal about politics but very little about taxation, increased the direct tax to 70 cents, and the average quantity of spirits that paid this rate during the three years of its existence was 63,721,000 gallons. In 1875, the tax was further advanced to 90 cents per gallon; and for the fiscal year 1880, the last for which returns are available at present writing, the number of gallons which paid tax was 62,131,000; or, in other words, with an increase of 80 per cent. in the rate of tax since 1872, and an increase in population of at least 8,000,000, with no apparent diminution in consumption, and in a year unparalleled in the history of the country for the prosperity of the masses and the activity of manufactures, the annual production of proof spirits in the United States in the year 1880, of which the Government was able to take cognizance and assess for revenue, was upward of 16,000,000 gallons less than were demonstrated to have been produced and consumed in 1869–70, or ten years previously. Now, no one can reasonably doubt that the country consumed more, and not less, spirits in 1880 than it did in 1870; and it is altogether probable that the real consumption for the former year was in excess of 80,000,000 gallons; and if this estimate be correct, then there was a direct loss to the Treasury in the way of revenue, during 1880, of at least $16,000,000. And yet no one appears to have taken cognizance of this leak, or to be particularly anxious to stop it; and the people most solicitous about civil-service reform seem to overlook the fact that bad finance in a state inevitably occasions bad administration, any number of civil-service regulations to the contrary.

So much in illustration of the stock of knowledge in the country available for draft in the matter of intelligent tax legislation.

A further very serious difficulty that stands in the way of intelligent Federal tax reform, is the unwillingness of a large and influential class of persons—in Congress and out of Congress—to have any reform whatever if the work is to necessarily entail any important reductions in the tariff. The idea of having a commission of experts in civil life, whose duty it should be, as a preliminary matter, to extensively investigate and advise Congress as to what changes in Federal taxation were expedient, had its origin in New England, among some of her leading manufacturers, who found themselves grievously oppressed by many of the provisions of the existing tariff, and yet, in common with most conservative and thoughtful business men, are afraid of the effect of legislation looking to fiscal changes, and especially of hasty, ill-considered, and partisan legislation. And the idea, in the abstract, is most excellent; although almost all previous experience shows that Congressmen rarely read, and are hardly ever influenced by the reports of any outside advisers. But the idea was at once taken up, and has since then been mainly advocated by the ultra-tariff men of Pennsylvania and other States, who, in the enjoyment of high and almost prohibitory duties on the import of all products competitive with their own, desire nothing so much as to be let alone; and who saw in the plan of a commission a most admirable pretext and occasion for delay and obstruction—first, by making its prospective creation and investigation a persuasive reason, in the first instance, to the then Congress to do nothing immediate; and second, for choking off any early action in way of tax reform in the subsequent Congress, by appealing to the inexpediency of any action in advance of a final report of the commission. The scheme thus far has worked admirably. No commission has yet been appointed, and none now can be in season to report a basis for Congressional action before the short session of the XLVIIth Congress in 1883; and elaborate legislation, as every one knows, is rarely perfected during a short Congressional session. A very little management, therefore, is all that is needed to carry the whole matter over to another year (1884) and to another Congress; which is equivalent to an indefinite postponement. To further aid in this high tariff anti-reform scheme, the most typical representative of the old-time, anti-protection, anti-monopoly Democratic party was persuaded to play the rôle of father to it—although the child was begotten and born before the venerable

ex-Senator Eaton ever heard of its existence. Ex-Speaker Randall, more shrewd, was quick to see and avail himself of its merits from the Pennsylvania stand-point; for, when questioned during the last presidential campaign concerning the "tariff-for-revenue plank" of the Cincinnati Convention, he substantially made answer that, as a commission to investigate the tariff was certain to be created at the next session of Congress, it was not worth while to drag the matter into current politics; but when the next session came, neither Speaker Randall nor any one else raised a voice in the House in favor of the commission; and the bill creating it, which passed the Senate, was quietly allowed to die of neglect upon the Speaker's table.

To some, doubtless, this assumption and criticism may seem unwarranted, and as the offspring of an unfair and partisan spirit. But in proof that no mistake has been made, or any unwarranted inferences drawn, attention is asked to another and more recent scheme for making the prospective reform in Federal taxation subservient to private rather than public interests, and which emanates substantially from the same parties, who have been most solicitous to have a lengthened investigation by a commission as a prior condition of any practical legislation.* This last takes shape in the form of a letter addressed by Wharton Barker, a banker and ultra tariff advocate of Pennsylvania, to United States Senator Justin S. Morrill, but published in the form of

* It is curious to note that some of the persons now most desirous of the creation of a commission to investigate the workings of the tariff, were most strenuous, some years ago, to prevent a Federal officer, appointed for this very purpose, from investigating and reporting the results of his investigation. What the late President Garfield thought of such action, and what sort of a commission he would have appointed had he lived, may be inferred from the following extract of a letter written by him to the then United States Special Commissioner of the Revenue, the day after a leading member of Congress from Pennsylvania had moved the House to strike out from the Appropriation Bill the salary of the commissioner, and so abolish his office:

"HOUSE OF REPRESENTATIVES, February 24, 1869.

"What does this raid signify? This only: They have created an office by law, and appointed an officer whose duty it is to find facts and report conclusions on our industrial and financial interests; but he must find facts to satisfy these people, and his conclusions must support their theories, or they will not tolerate him. The spirit of the Spanish Inquisition is in this thing!—the spirit that brings people to the stake for opinions, the very devil of partisanship. Very truly yours,

"JAS. A. GARFIELD."

a circular, and sent broadcast throughout the country. This letter in its first half presents clearly the facts concerning the present surplus revenues of the Government, their prospective increase, and the disturbances which are likely to accrue from a continuation of the existing Federal tax system; and winds up with a proposition for solving the problem by at once abolishing all the taxes at present collected under the internal revenue system, and with various specious arguments in favor of the same. Now, it ought not to require a second thought on the part of any one to perceive that this proposition is simply a dodge to prevent any reconstruction or reduction of the existing tariff, which represents a "war exaction" equally with the internal revenue taxes; although Mr. Barker is very careful in his letter to limit this designation exclusively to the latter. Thus, if the internal revenue system is continued, the product of its taxation, it is estimated, will amount to $130,000,000 for the current year. But if the whole internal revenue system is abolished *en bloc*, as Mr. Barker, ex-Speaker Randall, and their friends propose, the advocate for any reduction of the tariff will be met with the averment that the Government has already reduced taxation and revenue to the lowest extent compatible with financial solvency, and that any further demand for reduction is therefore preposterous. Possibly the American people will consent to tax iron and steel, and exempt whisky; sugar, and exempt tobacco; the bunting out of which the national flag is constructed (117 per cent. in 1880), and exempt beer and playing-cards; but if they do, it is to be hoped that they will clearly understand in advance what is the end and object of their action.

Herein, also, we have a clew to the great interest which certain politicians have recently exhibited in prospective internal improvements under Federal auspices — such, for example, as the clearing out and straightening of the Mississippi, and the like; for if the surplus revenues of the Treasury can be depleted in this manner, the arguments in favor of a reduction of Federal taxation will manifestly have much less of cogency.

A third difficulty that has got to be considered in maturing any intelligent scheme of Federal tax reform,—one to which a thought on the part of the public has hardly yet been given, and which is somewhat in the nature of a *lucus a non lucendo*,—is that our present tax system is so peculiar, that a reduction of taxes does not necessarily imply a reduction of reve-

nue, but rather an increase, and, therefore, a maintenance or augmentation of the existing surplus. Or, in other words, it is clearly possible to materially reduce many taxes, to the great benefit of the people and industry of the country, and yet collect from them as much or more revenue than accrues at present. Thus, for example, in 1870, with a tax of fifty cents per gallon on distilled spirits, and a carefully arranged system of license taxes on distillers, dealers, and rectifiers, the Government collected from those sources a gross revenue of nearly $56,000,000. In 1879, with a ninety cents per gallon tax, and a much larger and more prosperous nation to consume, the corresponding gross receipts were only $52,570,284; and in 1880, they were $61,185,000. Now, a return to the old tax would, beyond a doubt, increase the revenues by at least $10,000,000; would greatly cheapen the price of alcohol, and so benefit many branches of industry, and in addition would put an end, in a great degree, to illicit distillation, and the present large expenditures for suppressing the same—nine hundred and sixty-nine illicit stills having been seized, and one thousand three hundred and nineteen persons arrested in connection therewith, in the year 1880. In 1879, the taxes on manufactured tobacco were reduced thirty-three per cent., but the revenue fell off only fifteen and one-half per cent. The Commissioner of Internal Revenue earnestly opposed this reduction, and prophesied an annual loss to the revenue of at least $9,000,000, inclusive of the reduction on snuff. The reduction actually experienced for 1880 proved to be only $3,801,000, or $4,579,000 in comparison with the receipts of 1878. Note, also, the corresponding changes in domestic consumption: In 1878, with twenty-four and thirty-two cent rates per pound, the whole amount of chewing and smoking tobacco which was assessed for revenue was 108,824,000 pounds; in 1880, with the rates reduced uniformly to sixteen cents, the quantity assessed and passed for consumption was 132,309,000, or 23,485,000 pounds more. It does not need to be pointed out, also, that under the tariff many taxes are so high as to be absolutely, or nearly, destructive of all revenues. Thus, in 1878, the amount of revenue received on the import of copper in the form of pigs and bars was five cents. On the import of blankets in 1879, $1283 was collected; on the import of cotton machinery (duty 50 per cent.), $476; on the import of steel rails (duty 104.90 per cent. *ad valorem*), $72,649; and on bunting (duty 117 per cent.), $232.

Such, then, is a sketch of the situation. That early, intelligent action is demanded, all will agree. But can such action be had? Certainly, the probabilities of it are small if the protectionists and anti-protectionists are to sharply antagonize each other from the beginning. The high-tariff party generally may be assumed to have a majority in the present Congress. But the high-tariff party is not a unit. Every protected manufacturer would like to retain the high prices which protection, in the absence of too much domestic competition, insures to his products; but every intelligent manufacturer wants to be supplied with raw materials as cheaply as his foreign competitor, and knows that if the tariff prevents this, there is little or no chance of extending his business beyond the domestic market. It is not, also, going to take the American laborer a great while to learn that, with the enormous increase in the supply of labor by emigration and natural growth, and the constant supplementation of labor by machinery, the limitation of manufacturing supply to domestic markets means reduction of wages and limitation of employment beyond all peradventure. But the raw material of one protected interest is the finished product of some other, and where shall the line be drawn? Again, if the ultra protectionists propose to force their scheme of abolishing the entire internal revenue system with a view of preventing any reductions whatever of the tariff, or of having a commission of inquiry only with a view of delaying all action, they will soon find they have undertaken a work easier projected than carried out. And, on the other hand, if the free trade element were in Congressional ascendency, they would also soon learn that the business of the country would demand that they "make haste slowly" in their methods of reform. People that have been trained for long years to walk upon crutches ought, on the simple ground of humanity, to be allowed to use canes as preliminary to attempting to walk freely.

What, then, is to be done? There is but one answer. There must, or ought to be, a compromise, on the basis of patriotism and common sense, of all antagonizing interests in furtherance of a reform which has become imperative; and such a compromise is practicable by all parties agreeing to urge upon Congress to do at its next session those things only in respect to which a majority of all parties may agree should be done. At first thought, such a proposition may seem absurd and impracticable,

but a little reflection will soon convince to the contrary. In the first place, no one is likely to object to the appointment of a commission to investigate and report on the whole subject of Federal tax reform, although Congress, judging from all precedents, is not likely to be much influenced by any report or recommendations which such commission may make, unless public attention has, in the meantime, become largely interested in its work and recommendations. Hence the beauty of ex-Senator Hendricks's proposition that the tariff should be taken out of politics, which is only a roundabout way of advising that the American people should not interest themselves and publicly discuss the most important public topic that can at present engage their attention. If Senator Hendricks thinks the Democratic party is likely to profit in the future by adopting a do-nothing, know-nothing policy in respect to the tariff, he is likely to find out his mistake at the next general election; for although the voters of the free-trade way of thinking may be very far from a majority in numbers, they are yet sufficiently numerous to hold a balance of power as between the Democrats and any other party; and they certainly do not propose to support a party which cries "good Lord" at its conventions, and "good devil" on the stump. In the formation of the commission, five of the proposed nine members may, and probably must, be conceded to the high-tariff interest, as they have already announced their intention of controlling the work. But to this the liberal element will offer no strenuous objections; and, if there is any truth in the old proverb, "Thrice is he armed who has his quarrel just," three truly representative members of the anti-protection party will suffice to keep the other six busy. To the proposition that the commission should be composed of "practical men," it is to be said that, if by "practical men" are meant men who have spent their lives in mastering one specific industry, and know little or nothing of any other,—your iron-smelter, cotton-spinner, pottery-manufacturer, copper-worker, or chemist,—then their report will almost certainly be made up of unconnected and indigested information and opinions of interested parties. The anomalous and disgraceful tariff now existing is the result of the labors of just such men, who have gone to Washington as representatives of particular interests, and have fought and lobbied and log-rolled until they have got what they wanted, without caring in the least how their success may have affected other equally meritorious interests.

Practical business men are needed as witnesses and experts; but the make-up of the commission should consist of men trained to take and sift evidence, and clearly deduce and state conclusions therefrom — men who are familiar to some extent with the philosophy of taxation and the results of experience, and who, although decided in convictions, are determined to seek and know and state nothing but the truth. And such men are not abundant.

Next to the appointment of the commission, the right thing to do would seem to be for Congress to attack the monstrosities of the tariff — the eighty, ninety, one hundred, and one hundred and twenty-five per cent. duties. Such duties have really nothing to do with the question of protection or free trade. They are wrongs upon the Treasury, and wrongs upon the industry of the country; and their removal before entering upon the real work of reform would be analogous to the removal by the surgeon of the rags and dirt from the surface of a subject which he proposed to submit to dissection. But this cannot be done. The producers of steel rails, of blankets, bunting, spool-thread, bichromate of potash, of copper, boiler-tubes, and the like, are prepared to fight to the last extremity before they will allow the duties on their products to be singled out and reduced; and the Congress that can struggle successfully against the money and influence they are able to put into such a contest has not yet been elected. The idea of commencing the work of tax reform by attacking tax abuses clearly, therefore, has got, at least for the present, to be abandoned. But there are, nevertheless, some changes of moment in the tariff which all, or nearly all, will probably agree should be speedily made. No one, for example, probably will object to a removal of the discriminating duty on the East India barks of which quinine is made, which was left in force when the duty on quinine was repealed; and no one ought to object to the great simplification of the customs which would result from a repeal of the act which requires freights, commissions, the cost of packing and baling, foreign port charges, and the like, to be added to the general market value or wholesale price of foreign merchandise to constitute dutiable value. Certain articles by general assent might also be added to the free list — such, for example, as antiquities intended for sale, the elephants and snakes of showmen, domestic animals not intended mainly for breeding, some tropical fruits, ants' eggs

(duty twenty per cent.), plum-puddings, repairs on vessels occasioned by disasters at sea, many chemicals, and the like. The duty on distilled spirits, as above shown, might also be reduced to advantage from ninety to fifty cents per gallon; and, in deference to a singular popular sentiment, the stamp taxes on matches and bank-checks may be entirely removed—although these two are theoretically the most unobjectionable taxes in the whole category, being self-collecting, and yielding the maximum of revenue with the minimum of expense and annoyance to the public.

As the abatement of these taxes will not, however, result in much, if any, reduction of the surplus revenue, some other provision to that end should be made; and that can be accomplished by adopting a plan recently proposed by Mr. Atkinson, of Boston, in a communication addressed to certain New England manufacturers: namely, by enacting that on and after the 30th of June, 1882, ten per cent. shall be deducted on payment from all Federal taxes—distilled spirits, of course, to be excepted in case the tax on the same is reduced to fifty cents per proof gallon. Such a reduction would injure no one and be productive of some benefit. The steel-rail maker would have his protection reduced from $28.00 to $25.20 per ton; the copper producer from 5 to 4½ cents per pound; and the blanket manufacturer from 92 to 83 per cent. *ad valorem*. Its acceptance would, moreover, test the sincerity of all parties as to their willingness to agree to a most moderate reduction of taxation, in a spirit of compromise and patriotism; and at the same time leave everybody free to adhere to his own opinions as to the expediency of a tariff for revenue or protection, and be as bitter about them as he pleased. It would theoretically reduce the revenue to the extent of some thirty-six millions; but probably would not reduce it at all. But the great resulting benefit to be anticipated from the adoption of this plan would be that the people of the whole country, and more especially the manufacturing and commercial interests, would have an opportunity to safely find out whether they were likely to be hurt from a reduction of the tariff. And if, at the end of a year's experience, they found that they had not been, and that the commission in the meantime had not reported satisfactorily,—as it is certain it will not to all parties,—then another tentative reduction of another ten per cent. might be tried for another year; and so on, until a basis satisfactory to

the majority of the people was attained. And if, on the contrary, the result of reduction did not prove satisfactory, the remedy could be quickly applied by ceasing to experiment further in this direction.

Finally, there is one point in connection with this movement for a revision of the existing Federal tax system which ought not to be overlooked. Has not the time come when the people of the United States, laying aside the economic contentions of the past, should seriously consider if it is not possible to adopt a national policy whereby, instead of standing on the defensive, as they now do, in respect to the manufacture of the great staples of the world's consumption, they may almost at once assume the aggressive—bidding defiance to all foreign competition, and sending our products under our flag to every nation of the earth that has got anything of value to give us in exchange, and will not, following the precedents we have instituted, repel us by protective tariffs? Consider what are the conditions for supremacy in the so-called manufacturing industries. Cheap food, cheap land, cheap fibers, abundant coal and iron, the educated, inventive brain, the skillful hand, and low taxes. All these except the last, we have as no other competitive nation, and the last we may have if we so will. A degree of national development, an accumulation of abundance, an opportunity for remunerative employment for all who are willing to work, and a diversity of industry, such as the most sanguine American has as yet hardly ventured to dream of, are therefore certainly within the possibilities of our attainment as a nation. Was there such an opportunity for statesmanship ever before granted to the legislators of any people? Shall such opportunities be improved, or shall we, as heretofore, allow certain great private and selfish interests to thrust themselves right across, and so block the great highway of national development?

DAVID A. WELLS.

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